

Fear, Insecurity and Risk: Refugee journeys from Iraq to Australia

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This thesis is submitted for the degree of Doctor of Philosophy
at Murdoch University, Perth, Western Australia, 2010.

I declare that this thesis is my own account of my research. It contains as its main content work which has not been previously submitted for a degree at any tertiary education institution.

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Abstract

Between 1999 and 2001 almost 13,000 refugees made their way to Australia from the Middle East region. About 4,800 of them were Iraqi who had first fled to neighbouring countries such as Iran, Jordan and Syria, then to Indonesia via Malaysia. After negotiating with people smugglers, the vast majority boarded unsafe wooden boats bound for Australia. Some never got that far, instead finding themselves stranded in Indonesia. This thesis follows 22 participants as they travelled from the Middle East, across south-east Asia, onto the people smugglers' boats and - for those who made it that far - onto Australian shores.

Grounded theory was influential in the methods used to interview participants and contributed to the analysis phase, from which a number of themes emerged. Central to these was the insecurity and uncertainty faced by participants over a protracted period. They spoke about the psychological impact of their experiences and there is a marked difference when comparing the narratives of the participants settled in Australia with those living in a limbo situation in Indonesia. The former recalled the stresses of their journey and the associated feelings of fear, anxiety and depression. In the case of the latter group, these feelings were ever present as their journey was not yet over.

The thesis examines the relations between participants and the people smugglers. Although the majority of participants were critical, about one quarter considered the smugglers in a positive light as people who helped them find a place of safety.

The thesis also considers the actions of the governments of those countries where participants spent varying amounts of time, and the impact of these actions upon participants' security and safety. Here, the thesis draws on two theoretical approaches associated with risk: the governmentality approach and Ulrich Beck's theory of the world risk society. It is argued that governments' actions increased the risk and danger faced by the participants, and extended the periods during which they experienced extreme stress and uncertainty.

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My thanks also to Marg Hutton whose website sievx.com has been a repository of so much information related to refugees' boat journeys. My involvement with those who lost loved ones when SIEV X sank has been a significant driver in undertaking this thesis.

The heroes of this work are the participants who so generously invited me into their homes and lives and told me their stories. This work is really about them. Their stories, while individually unique, are sadly typical of so many of the stories I have heard from members of the Iraqi refugee community and from the many other refugee communities. My hope is that with the fullness of time, their hopes will be fulfilled.

I would like to acknowledge the management and staff of the Association for Services to Torture and Trauma Survivors (ASeTTS), the Coalition for Asylum Seekers, Refugees and Detainees (CARAD) and the Centre for Advocacy, Support and Education for Refugees (CASE for Refugees). These three agencies, all based in Perth, assisted me in a number of ways, not least in accessing participants. They all do fantastic work.

I cannot complete these acknowledgments without mentioning Mohammad Hashim Al Ghazzi, also known as Abo Roma. It was through him that I was able to make contact with Iraqi participants in Indonesia. He also was also my unofficial cultural advisor, explaining aspects of Iraqi, Arab and Muslim life and providing me with Arabic translations of English documents such as the consent letter which participants signed. He has been right behind me for the duration of the project. Another person who helped me immeasurably was Dr Najah Jafaar. I thank you for your time, your generosity, your insight and your language skills. And to Ash, wherever you are, for the hours and hours of riveting conversation. I wish you well my friends, my life is richer for meeting you. Salam Aleykum.

RELATED PUBLICATIONS

Aspects of my research have been published in various forms. These include the following.

1. Hoffman S. (2010) 'Looking back, looking forward: Australia, Indonesia and asylum seekers since 1999' in (eds) Perera, S., Seal, G. & Summers, S. (2010) *Enter at own risk?: Australia's population questions for the 21st century* Black Swan Press: Perth, Western Australia.

The content of this book chapter is drawn from the following thesis chapters:

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|-----------|--|
| Chapter 7 | Countries of first asylum |
| Chapter 8 | Transit countries |
| Chapter 9 | The high seas and the people smugglers |

2. Pedersen, A., Kenny, M.A., Briskman, L., & Hoffman, S. (2008) 'Working with Wasim: A convergence of community' *The Australian Community Psychologist* Vol. 20, 57-72

For my contribution to this journal article, I drew on research I had undertaken for the following thesis chapters:

- | | |
|------------|---------------------------------------|
| Chapter 2 | Refugee movements and state responses |
| Chapter 10 | Arrival in Australia |
| Chapter 11 | Psychological impact |

My doctoral research has attracted considerable interest from the media. For example, in May 2009, I was an invited guest on SBS's Insight program and in June 2010, I appeared on ABC's Stateline program. I have also been interviewed a number of times for mainstream radio stations and newspapers.

ACRONYMS

ACM	Australasian Correctional Management Pty Ltd
AFP	Australian Federal Police
ASeTTS	Association for Survivors of Torture and Trauma
CARAD	Coalition for Asylum Seekers, Refugees and Detainees
CASE	Centre for Advocacy, Support and Education for Refugees
DIAC	Department of Immigration and Citizenship
DIMA	Department of Immigration and Multicultural Affairs
DIMIA	Department of Immigration and Multicultural and Indigenous Affairs
DSM-IV	Diagnostic and Statistical Manual of Mental Disorders IV
INP	Indonesian National Police
IOM	International Organisation for Migration
JSCM	Joint Standing Committee on Migration
KAR	Kurdistan Autonomous Region
KDP	Kurdistan Democratic Party
NEIS	New Enterprise Incentive Scheme
NGO	Non-government organisation
PTS	Political Terror Scale
PTSD	Post traumatic stress disorder
RAN	Royal Australian Navy
RRT	Refugee Review Tribunal
SCALES	Southern Communities Advocacy Legal and Education Service
SIEV	Suspected illegal entry vessel
TPV	Temporary Protection Visa
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNRWA	United Nations Relief and Works Agency
USCRI	US Committee for Refugees and Immigrants

PART ONE
CHAPTER 1
Introducing the thesis

Between 1999 and 2001 approximately 13,000 men, woman and children¹, mainly from the Middle East and Afghanistan, made their way to Australia via Indonesia to seek protection as refugees. This was a dangerous journey. They travelled on false documents through countries with unfamiliar languages and cultures. They had limited funds and were unsure who to trust. They paid people smugglers to arrange passages for them in wooden fishing boats.

This thesis explores the experiences of Iraqi refugees who attempted this journey. It covers their departure from Iraq, their travels through its neighbouring countries, the situation that confronted them in Malaysia and Indonesia, and their arrival in Australia. The relationship between the refugees and the people smugglers upon whom they relied at different stages of their journey forms an integral part of this account. My prime data sources are interviews conducted with Iraqi refugees in Perth, Western Australia and Java, Indonesia. I also draw from firsthand accounts from other sources, including the testimony of Iraqi witnesses during the trial of a people smuggler. Their narratives consistently reveal the risks and uncertainties faced, and losses suffered. They also illustrate how the responses by the governments of the countries they travelled through or stayed in impacted upon their safety.

¹ There were 12,176 unauthorised boat arrivals in the period 1999-2001 (see Phillips & Spinks 2010). Add to these, 600 passengers on the SIEVs 5, 7, 11 and 12 which were returned to Indonesia (Marr & Wilkinson 2003) and the 353 passengers who died when SIEV X sank (Hutton 2006).

I had a number of reasons for undertaking this research. I believed that the stories and events covered in this thesis are an important part of recent history and should be documented. Further, while there is a growing body of literature focused on refugee issues, there has been very little research here or overseas into refugee journeys and none that I could locate that centred on journeys from the Middle East region across south-east Asia to Australia. The interplay between refugees and people smugglers is another understudied topic. Finally few studies centre the refugee voice – one of the central intentions of this thesis. In each of these respects, I hope to make a contribution to the literature.

The genesis for this thesis can be traced back to June 2001 when I began working for the Association for Services to Torture and Trauma Survivors (ASeTTS), a non-government agency providing mental health services to refugees from countries all over the world including Myanmar-Burma, Afghanistan, Colombia, Iraq, Sierra Leone, Iran and Vietnam. Some of the clients had been detained in Australian immigration detention centres while their claims for asylum were processed. These were people who had arrived in Australia by boat without visas.

By the time I left ASeTTS eighteen months later, I had met, worked with, advocated for and befriended many refugees. A significant number originated from the Middle East and Afghanistan. I knew their stories well, and was concerned by the misinformation and lack of understanding in the wider community, fuelling hostility towards this predominantly Muslim group which became noticeably worse after the September 11 2001 attacks on USA soil.

Given what they had experienced in their home country, I was surprised on hearing from some of them that they considered the sea crossing from Indonesia to Australia to be one of the most dangerous and frightening experiences of their lives. I already had an active interest in the boat journeys because of my involvement with survivors and the bereaved of SIEV X (the refugee boat that sunk in October 2001, killing 353 people, mainly Iraqi women and children). Over time this interest expanded to other aspects of their journey as I realised how little attention had been given to it.

Through my advocacy work on behalf of refugees - which continued after I left ASeTTS - I established a wide network of contacts within refugee communities and refugee support agencies. Through these contacts I was able to access study participants. Between September and November 2006, I interviewed fourteen Iraqis in Perth, Western Australia. In March 2007, I visited Indonesia to meet with Iraqi refugees stranded there since 2001. I interviewed eight and spoke with others in a group setting who preferred not to be individually interviewed. The testimony of thirty six Iraqi witnesses during the 2006 trial of a people smuggler also provided useful data. In addition, I accessed other research and a range of documentary evidence to place these accounts in context. Important examples include the work of Chatelard (2002) concerning Iraqi refugees in Jordan, Icduygu and Toktas's (2002) research into people smuggling in the Middle East and Koser (2000, 2001, 2009, 2010) who has examined various issues around irregular migration and people smuggling.

The absence of research focused on refugee journeys from the Middle East across south-east Asia was an important consideration in deciding upon a research method.

My approach

Grounded theory is particularly well-suited to studies into social phenomena where there is little or no related research. In accordance with its method, I invited study participants to tell the story of their journey from Iraq in whatever way they chose. This provided them with the opportunity to talk about what they regarded as important and significant. As will be seen in the main part of this thesis, they took considerable risks in the hope of eventually finding safety. In fact, themes around fear and insecurity resonated strongly through all their narratives. Less obvious but always present was the sense of loss. The pain of separation from family, friends, culture, and land was constant, and amplified through tragedies like SIEV X. There is a significant body of psychological literature (see, for example, Hobfoll et al 2005) pointing to the serious and ongoing effects of such experiences, which are considered towards the end of thesis.

The use of grounded theory in the early stages of the study highlighted a secondary but major theme that ran through participants' accounts. Various organisations affected their lives and fortunes during their journeys. While participants were not completely powerless, the relationships between them and these organisations were far from equitable. The organisations I refer to here include United Nations High Commissioner for Refugees (UNHCR); International Organisation for Migration (IOM); people smuggling syndicates; the governments of Iran, Jordan, Syria, Malaysia, Indonesia and

Australia; and the agencies of these governments. The participants' narratives revealed the degree to which they were affected by the policies and actions of these organisations; most of all, governments.

In their different ways, governments like refugees are concerned with security. In order to gain insight into this I drew on two main bodies of sociological theory concerned with risk and security. These theories do not suggest that life today is more or less hazardous or risky than in previous centuries; rather, it is that the notion of risk plays a more central role in our lives. Beck (1992, 2000, 2002, 2006) traces his notion of the 'world risk society' to the technological developments that flowed from the eighteenth century's industrial revolution. He points out that these had unexpected and unwelcome consequences, creating hitherto unknown risks with the potential to cross borders, beyond the ability of a single country to manage and contain. He also argues that steps taken to manage those risks exacerbated the situation, creating further risks, also unforeseen. His original writings refer in particular to environmental concerns but his later works consider other scenarios including fears about terrorism. The governmentality approach, my second main body of theory, is concerned with the mechanisms governments employ to regulate populations and manage their futures. These mechanisms extend beyond security forces, institutions and laws. They include other ways of shaping and influencing the attitudes and beliefs of resident populations to ensure cooperation (see, for example, Dean 1999; O'Malley 1999, 2004, 2005; Rose 1999). Using the notion of risk is one such method, exemplified by advertising campaigns warning of the harm that can be done by drink-driving. Such mechanisms lead to situations where the task of governing is de-

centralised to the populus who assume some of the responsibility for ensuring that policy is enacted, thereby reinforcing the position of the state.

The main body of this thesis relies on a combination of narrative and documentary evidence. The two bodies of theory mentioned above (which are discussed more fully in Chapter 3) assisted me by providing a base from which to interpret and analyse, not only the events themselves but also the historical developments that led to their occurrence. These sociological approaches are not intended as tools for critiquing policy, rather they are used to understand why and how governments act as they do by placing their actions in context. This was the intent in the early stages of the thesis but as it progressed, it became evident that there was a tension between giving voice to the participants (and thus in a sense, acting as interpreter and advocate) and, as it were, neutrally explicating the actions of governments. I felt that if I were to do justice to the participants' accounts, a level of traditional policy critique was required, even though this contravened the strict traditions of the governmentality approach. In trying to navigate this underlying tension, I also came to the view that it was unavoidable given the nature of the thesis, not least its multidisciplinary approach and the twin practical and academic commitments inherent in this work.

The meaning of some central terms – refugees, asylum seekers and safety

All the participants in this study were either registered as refugees by UNHCR and/or had been accepted as refugees by Australia. They referred to themselves both as ‘refugees’ and ‘asylum seekers’. Given that their status as refugees had been independently affirmed

at some point in their journey, I refer to them as refugees throughout the thesis. Where I do use the term ‘asylum seeker’, the reason for it will be apparent from the context. Sometimes it is a direct quote. Alternatively, in a discussion about a particular country, it is to distinguish between those who have been afforded refugee status in that country (refugees) and asylum seekers who have an application for protection pending or who have had their application rejected.

UNHCR’s definition of a refugee cites the United Nations Convention Relating to the Status of Refugees Convention (Refugee Convention) as follows:

A refugee is a person who "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his (sic) nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country..."

Article 1, The 1951 Convention Relating to the Status of Refugees (UNHCR n.d. c)

The term ‘asylum seeker’ is used to describe a person who:

...has left their country of origin, has applied for recognition as a refugee in another country, and is awaiting a decision on their application (ibid).

It is important to note that a person who arrives in Australia and then applies for protection as a refugee must establish that they have a well-founded fear of persecution

for their application to be granted. Australia does not automatically confer a person with refugee status even in cases where they already been assessed as a refugee by UNHCR or another state.

Aside from the legal definition of the term ‘refugee’, UNHCR (2006: 49-50) has identified four domains that need to be secured for a refugee to be and feel safe. First, ‘legal safety’ refers to a person’s ability to access the protection of the law and police of a country, without discrimination and regardless of gender or age. Second, ‘physical safety’ needs to be secured, providing liberty and security, and protection against arbitrary detention, violence and threat to life. Third, ‘material safety’ exists when there is access to housing, water, education and health services, and the ability to earn a livelihood. Fourth, ‘religious and cultural safety’ means that a person is able to practise the religion of their choice and there is respect for cultural norms, excluding practices that are considered as harmful by the international community such as forced marriages and female genital mutilation.

Structure of thesis

The thesis is organised into three parts. The first provides background and context to the thesis; the second deals with the participants’ narratives; and the third considers the effects of such experiences and responses to them.

Part One includes an overview of historic, global and current trends concerning forced migration. Chapter 2 covers the international responses, including the role of UNHCR, as

well as an historical perspective on Australia's response to refugees. Chapter 3 discusses the concepts of risk and security, and introduces Beck's theory of risk society and the governmentality approach. Notwithstanding their differences, taken together they provide a useful frame through which to view government response to refugees. Chapter 4 details the methods used in collecting and analysing data. It also discusses the ethical issues and concerns that arise from arranging and conducting interviews with members of a marginalised group who do not have English as their first language, may feel vulnerable because of their visa status, and may have mental health issues.

Part Two starts with a short prelude, giving an overview of twentieth century trends in refugee protection in the Middle East and introducing the themes underpinning the subsequent chapters. A significant feature of this part of the thesis is the participants' narratives. The data analysis process (as described in Chapter 4) led to the central theme for the thesis, being the insecurity experienced by participants during the different stages of their journey. Chapters 6 to 10 are structured to reflect the stages of the participants' journeys from Iraq to Australia.

Chapter 6 focuses on Iraq, giving a brief history of the country and Saddam Hussein's² rise to and hold on power. This background adds to the potency and poignancy of participants' accounts about Iraq and why they left their homeland. After leaving Iraq,

² Full name is Saddam Hussein Abd al-Majid al-Tikriti. The Arab naming system does not follow first name/family name pattern familiar in the West, although Arabs will often assume such for visa/passport purposes. Arab names often have four parts, the first being the personal name, the second (Hussein) the name of the father, the third (Abd al-Majid) the grandfather's name, and the last part (al-Tikriti) the area or tribe from which a person is descended. In Arabic culture, it is usual for people to be referred to by their first name, a convention I will generally follow when referring to Saddam and other Arabs.

participants went to a neighbouring country - Iran, Jordan or Syria. An account of how each of these countries responded to Iraqi refugees is provided in Chapter 7, followed by participants' accounts of their experiences in these countries. In essence these accounts answer the question as to why they moved on. Chapter 8 follows the participants through south-east Asia, specifically Malaysia and Indonesia. It is in Indonesia that participants had most direct experience of UNHCR and IOM. Both organisations, through their negotiations with Indonesian and Australian governments, played a significant role in the participants' experiences, and their feelings of insecurity and loss. Chapter 9 concentrates on the dangerous sea crossings from Malaysia to Indonesia, and Indonesia to Australia arranged by people smugglers. It considers the relations between participants and smugglers, and how actions taken by the Australian government to halt the smuggling operations had a profound affect upon the degree of risk faced by the Iraqi refugees.

Chapter 10 focuses on the nature and consequences of government action, in particular the regimes of mandatory detention and Temporary Protection Visas (TPVs) which confronted those who arrived in Australia on boats. The participants' accounts of how these policies affected them personally are telling, and offer insights into their attitudes to the Australian government and the Australian people.

In the third and final part, Chapter 11 explores the psychological effects of living with fear, uncertainty and insecurity for protracted periods. It draws on existing research to consider how the impact of stress and trauma could be lessened. In light of such research

and participants' comments, this chapter concludes that action by governments of different countries reduced participants' capacity to overcome the effects of trauma and stress.

Chapter 12 concludes the thesis by bringing together the findings and conclusions of previous chapters. It discusses their combined effects and considers policies with a risk motif that could have a better outcome for both the government and the refugees.

CHAPTER 2

Refugee movements and state responses

Introduction

This chapter gives both background and context to the study through an overview of global and current trends concerning responses to refugees. In particular, it describes the international responses with particular emphasis on Australia, and on the role of UNHCR. It illustrates how the current trends have developed.

The four sections of this chapter together provide a basis for appreciating the events of 1999 to 2001 which this thesis considers. The first section shows that refugees have been a feature of the human story since ancient times and that refugee movements occur in all parts of the globe. The second section looks at how the international community has responded particularly in the twentieth century, while the third and fourth sections focus on Australia's response to refugees in general, and unauthorised boat arrivals in particular.

Refugees as a historical and global phenomenon

People have been seeking sanctuary from war and persecution since recorded history. Texts dating back 3,500 years indicate that ancient civilisations provided asylum to victims of persecution (UNHCR 2008a). The first reference to the term 'refugee' (or more precisely its French equivalent 'réfugié') is reputed to be in the sixteenth century when hundreds of thousands of French Protestants (Huguenots) fled to neighbouring countries to escape persecution by the Catholic rulers (Marfleet 2006: 64).

Although it is often possible to identify specific events that are immediate triggers for refugee flows, contributing factors develop over years or decades. For example, when the sprawling British, Ottoman and Russian empires were split up into nation states, ethnically diverse or minority groups became citizens of countries with a cultural identity and/or language they did not share. The new boundaries cut across tribal lines, creating conditions in which hostilities festered for generations. Colonialism, globalisation and international intervention have all contributed to the conflicts that generate refugee flows (see Marfleet 2006; Zolberg et al 1986).

For centuries, individuals forced to leave their home and seek asylum or refuge relied on religious groups, tribal connections, influential individuals or, in certain parts of the world, local custom that demanded strangers be treated hospitably. Exiles and refugees were not generally regarded as a threat. Some were indistinguishable from the itinerant poor who travelled between villages and towns looking for work (Marrus 2002: 4-5).

Religious difference accounted for much of the refugee movement in Europe with the expulsion of Jews and Muslims from south-west Europe and Irish Catholics from the United Kingdom in the fifteenth to seventeenth centuries (Zolberg et al 1986: 161).

Political upheaval during the eighteenth and nineteenth centuries in the USA and Europe gave rise to political exiles, many of whom found sanctuary across Europe and particularly in Britain which prided itself on its commitment to individual rights and freedoms. Karl Marx is but one example. The British government was obliged to defend

its position to the British people in the face of their growing hostility towards refugees in the latter half of the nineteenth century (Marfleet 2006: 111).

Although mass migration was not new, the twentieth century saw an upsurge in the scale of human displacement. When Germany invaded Belgium in 1914 at the start of the First World War, an estimated one million Belgian refugees fled Antwerp to neighbouring Holland (Abbenhuis 2006: 95). One million Russians fled after the Bolshevik revolution of 1917 (Barnett 2002: 241). The aftermath of the Second World War saw unprecedented numbers of refugees and displaced persons in Europe with some estimates as high as 30 million people (Barnett 2002: 243). In the Middle East, the establishment of Israel in 1948 led to almost one million Palestinians displaced (Marfleet 2006: 148). Two million fled the turbulence of the Algerian war of independence between 1956 and 1964 (Connelly 2002: 265). In Africa, colonisation in earlier decades and the formation of independent states in the 1950s and 1960s contributed to civil unrest generating an estimated one million refugees from more than twelve African countries by 1972. The neighbouring countries to which African refugees fled were usually also developing countries, many of which generated their own refugee flows (Gould 1974: 414-415).

The 1956 uprising in Hungary in Eastern Europe against a repressive communist regime resulted in over 200,000 refugees (Marfleet 2006: 150). Civil war in Pakistan created ten million Bengali refugees who fled to India, and were repatriated when Bangladesh gained independence in 1971 (Gould 1974: 413). An estimated one million Vietnamese fled in the years after South Vietnam fell to the Russian-backed communist north in 1975

(Weiner 1996: 19). Half a million Burmese live in refugee camps in countries bordering Myanmar-Burma in addition to the same number internally displaced (Refugees International 2007). Colombia and Ecuador are but two South American countries that have suffered unrest over decades and generated millions of refugees (Red Cross 2004). Six million Afghans fled their country after the Russian invasion of 1979, many of whom returned after the Russians retreated. However, ethnic violence and the emergence of the Taliban continued to destabilise Afghanistan, and there were further refugee outflows during the 1990s and beyond (Rajae 2000: 49). The break up of the former Yugoslavia created over 1.5 million refugees seeking safety elsewhere in Europe in the early 1990s (Weiner 1996: 16).

Post 2000 there have been significant refugee flows from Sri Lanka, Somalia and Darfur (Marfleet 2007b: 137). Since the USA invasion of April 2003, over two million Iraqis fled to neighbouring countries and the same number has been internally displaced (Marfleet 2007a: 397).

How the international community responded

After the First World War huge challenges faced Europe, beyond the ability of nation states to deal with individually. This led to the formation of the League of Nations in 1920 'to develop cooperation among nations and to guarantee them peace and security' (United Nations Office at Geneva n.d.). Although its main objective was to prevent recurrence of war, the organisation also addressed the humanitarian disaster of one million displaced Russians who fled the Bolshevik regime after 1917. The League

implemented the Commission for Refugees in 1921, appointing Norwegian Fridtjof Nansen as its High Commissioner. Both repatriation and resettlement were considered as viable options for the Russians with Nansen focusing on voluntary repatriation (Barnett 2002: 241-242).

The high casualty rate during the war years created a labour shortage post-war which provided an incentive to countries such as France to take Russian refugees. Initially little heed was paid to the few critics who voiced concerns that the influx of refugees would alter the social fabric of the French way of life (Maga 1982: 426-427). However, antipathy towards immigrants including refugees grew as the labour shortages of the 1920s were replaced by high unemployment as the Great Depression swept through the USA and Europe in the 1930s (Marfleet 2006: 130).

It was in this climate that appeals for help from Jews trying to escape the Nazi regime went largely unheeded by members of the League of Nations. Alarmed by reports of what was happening in Germany, the USA proposed a multi-national conference held in Evian in France in 1938 which was attended by thirty-two countries. France, once one of the most generous countries towards refugees, announced that its doors were shut, and other countries followed suit (Maga 1982: 437). With participating countries reluctant to take Jewish refugees, the conference was a failure.

At the end of the 1939-1945 war when allied forces liberated the concentration camps, they were shocked at what they found, and shamed by the thought that people who had

been refused refuge by Western countries had perished in the camps. Indeed, the aftermath of the Second World War led to significant changes in the international refugee regime and movement towards standardised, global responses to refugees (Malkki 1995: 497).

The Second World War demonstrated that the League of Nations, although successful in resolving some international disputes, had failed in its primary purpose which was to prevent war. However, the concept of nations working together was now embedded in the international community's consciousness, leading to the formation of the United Nations (UN) in 1945 (United Nations n.d.). The assets of the League were transferred to the UN the following year (United Nations Office at Geneva n.d.)

There were thirty million displaced persons when the war ended and by 1950, 1.5 million refugees were still unsettled (Barnett 2002: 243). Initially the responsibility for dealing with such large numbers was assumed by the allied forces and approached as a military exercise; hence the large, utilitarian refugee camps were constructed on military lines. As various civilian and voluntary organisations became involved, the refugees were increasingly viewed as an international social and humanitarian problem rather than a military one (Malkki 1995: 499-500). When by 1950 it was apparent that the refugee situation would continue for some years, the UN established a permanent agency, the United Nations High Commissioner for Refugees (UNHCR n.d. d).

Efforts to resettle refugees were beset with political problems. Similar difficulties affected the drafting of the 1951 Refugee Convention, a process which began in 1948. Not only were individual states keen to guard their own national interests, post-war tension between the two super-powers, The USA and Russia - the Cold War – affected the outcome. The Convention definition of refugee, for example, centred upon persecution. This favoured individuals fleeing countries which did not share pro-Western democratic values (see Dimopoulos 2002).

Hence from the very beginning of establishing international protocols to protect refugees, humanitarian concerns were tempered by political and economic agendas. International refugee policy was affected by the Cold War until it ended in the early 1990s. For example, Western European countries were well-disposed to take exiles and refugees from the Eastern bloc because of the political statement that made; they were less willing to open their doors to refugees from other parts of the world. This was the clear pattern repeated many times over. Western countries took refugees when it suited their economic and/or political agendas, rarely on solely humanitarian grounds (see Keely 2001; Loescher 2001).

The involvement of Western countries, particularly the USA, in the fifteen years of war in Vietnam was perceived as vital in the struggle against the spread of communism (Keely 2001: 309). After the fall of Saigon in 1975 which marked the end of the war, over a million Vietnamese were resettled in Western countries while far higher numbers

sought refuge in countries close to Vietnam where UNHCR set up refugee camps to accommodate them (Suhrke 1998: 405).

UNHCR aims to find durable solutions for refugees which can take one of three forms.

The first is repatriation back to the country of origin, the second is integration with a host community where the refugees can live with the same legal rights as citizens of that country, and the third is resettlement in a third country. In 1950 when UNHCR was established, the agency focused upon arranging resettlement in a third country for the refugee population in Europe. This continued to be the preferred solution during most of the Cold War period for the following reason. UNCHR depended upon donations to operate, and the main donors were Western countries. At a time when many refugee flows originated from communist countries, it suited the interests of the donor countries for refugees to be resettled in the West. However, from about 1985 there was a change in the response to refugees by the West who were becoming increasingly resistant to the notion of accepting significant numbers of refugees as they had done, for example, after the Second World War. This change was reflected in a shift in UNHCR's recommendations and practices regarding refugees. The agency began to embrace repatriation as the favoured solution in preference to resettlement (Loescher 2001: 46).

Initially repatriation was regarded as acceptable only if it was the preferred option of the refugee. Over time, the concept of 'voluntary' repatriation was eroded; instead, refugees were encouraged or even coerced to return to their country of origin when it was judged by the international community to be safe. UNHCR regarded the 1990s as 'the decade of

repatriation’ and reported that of the nine million refugees repatriated between 1991 and 1996, there were instances where this occurred under duress and into unsafe situations (UNHCR 2007a: 130).

By Western standards, certain states have been remarkably open to refugees from neighbouring countries. Iran and Pakistan have both hosted over a million refugees, mainly from Iraq and Afghanistan, for decades. Jordan hosts 1.8 million registered Palestinian refugees, most of whom live in refugee camps managed by the United Nations Relief and Works Agency (UNRWA). UNRWA has similar arrangements with Syria and Lebanon (UNRWA 2006). Since 2003 Syria and Jordan have also taken in large numbers of Iraqi refugees, 1.2 million and 750,000 respectively. But minimal support is provided to these refugees, and the host countries have adopted new policies at various times - closing their borders, announcing that the refugees must leave or instituting visa regimes that place harsh burdens upon the refugee populations. UNHCR under its mandate to protect refugees has encouraged the host countries to allow the Iraqis to stay until Iraq is safe, and allow them to access education and health services. UNHCR has also encouraged the international community to provide funds to support the Iraqi refugees and ease the burden taken on by Syria and Jordan. These fundraising attempts have been met with an inadequate response (see O’Donnell & Newland 2008).

Refugees unable to access any of the three durable solutions – repatriation, local integration or resettlement – can remain in limbo situations for many years, sometimes decades, warehoused in large refugee camps or struggling to survive in countries of first

asylum or transit countries. At the end of 2004, in addition to Palestinians in camps run by UNRWA, there were estimated to be over six million persons in protracted refugee situations (UNHCR 2007a: 129).

The 1990s also saw a change in the dynamics of refugee flight. Now there were large numbers of asylum seekers not just crossing borders to neighbouring countries but fleeing the regions from which they came. This was evident with the Balkan area of south-eastern Europe, Afghanistan and the Middle East. Over time, more and more countries have instituted measures to block refugees and asylum seekers and reduce the unregulated migration flows; for example, erecting physical barriers in parts of Europe, increasing the number of immigration detention facilities (Marfleet 2006) and tightening border controls (Crawley 2005: 15). These and other measures have prompted concerns that if this trend continues, those attempting to flee persecution and violence would find themselves trapped in their own country (Loescher 2001: 51) as occurred in Nazi Germany.

However, restrictive measures introduced in the early 1990s to halt asylum flows were successful only in the short term. With more barriers to overcome, irregular migrants were less able to navigate them without help, and increasingly viewed people smugglers as necessary to their journey (Koser 2001: 103). Using smugglers came at a cost, and this cost was not only financial. Large-scale tragedies have occurred when smugglers' boats have sunk. Also passengers have died through asphyxiation or other causes during overland border crossings (Warton 2005: 21).

A small number of countries have responded to the global refugee situation by offering permanent residence to individuals in vulnerable circumstances overseas. Under these resettlement programs, some countries like Australia operate a fixed quota system, whereas other countries have a more flexible approach, responding to situations as they arise. Western countries that offer resettlement programs also tend to provide services to assist newly-arrived refugees adapt to life in their new countries. In 2008 the top six countries offering resettlement were the USA (70,000 places), Australia (13,500), Canada (12,000), Sweden (1,900), Norway (1,200) and New Zealand (1,050). A further 13 countries resettled between 15 and 880 people each. Clearly the formal resettlement process assists only a small proportion of the world's refugees with less than 105,000 people assisted through these schemes in 2008 (Refugee Council of Australia 2009: 4). During 2008/9, UNHCR identified over 36 million people of concern to them of whom 10.4 million met the definition of refugee. Other significant groups designated as 'people of concern' are internally displaced persons forced to flee their homes but still inside their own country; stateless people; and refugees who had returned home but were still vulnerable (UNHCR 2010: 17).

UNHCR argues strongly that resettlement programs are not a substitute for providing asylum to those who apply for protection once they have arrived in a country; rather that resettlement programs are complementary, and a country that is a signatory to the Refugee Convention should not abrogate its obligations to provide asylum because it offers resettlement. As will be discussed, Australia welcomes refugees who arrive under

the resettlement program but this welcome has not been extended to those who arrive asking for asylum.

Australia's response to refugees and asylum seekers

It was not until 1977 that Australia introduced a coherent refugee policy that recognised the different circumstances and needs of refugees compared with other migrants. Until then, refugees had been accepted on an ad hoc basis as part of the immigration program. The immigration program was largely informed by economic and labour requirements, and until the 1970s the practices, policies and legislation were collectively referred to as the White Australia policy.

The Immigration Restriction Act of 1901 marked the official beginnings of the White Australia policy although its origins can be traced back to the 1850s. The Act denied entry to Australia to a range of people considered undesirable which included non-Europeans. Immigration officers were authorised to set written dictation tests in languages unfamiliar to the test participants to guarantee their failure and therefore bar their entry to Australia. The test was abolished by the Migration Act of 1958 and the White Australia policy was dismantled in stages over the next fifteen years (Department of Immigration 2007).

Although early records did not differentiate between refugees and other migrants, it is estimated that between 1901 and 1933, Australia accepted only a few thousand refugees. Australia was represented at the Evian conference held in France in July 1938 to address

the escalating refugee crisis in Europe brought about by Hitler's rise to power. Australia's position, similar to that of other countries at Evian, was made clear: alleviating the problems faced by refugees was of no concern or interest to Australia which was keen to avoid racial disharmony. After intense lobbying from Australian Jewry and other groups, Australia did take in up to 7,500 Jewish refugees between 1933 and 1945, although this was fewer than agreed (Bartrop 1994; York 2003: 9).

Despite the White Australia policy, during the war years Australia took in over 5,000 Asian refugees on a temporary basis. Most of the Asian refugees were keen to return to their own countries after the war but a few who had married Australians or had otherwise established good links with the community wanted to stay. Even though positive media reporting generated public support for the Asians, the government introduced the Wartime Refugees Removal Act 1949 in order to remove them (Neumann 2004: 93). Deportation orders were served on 900 men. The following year, after a change of government, 600 were allowed to stay and work on a permanent basis, but they were not allowed to bring their families to Australia (York 2003: 10-11).

Between 1939 and 1945, Australia's productivity grew in response to demands created by the war. This led to an awareness of the economic benefits that might accrue from increasing manufacturing capability in peace-time and heralded a marked change in Australian immigration policy. At a time when Australia's population was about 7.5 million, the dual aims were to ensure an adequate labour force whilst maintaining a White Australia policy (Castles 1992: 550). Aside from Indigenous Australians, the

inhabitants of early 1940s Australia were almost exclusively of British origin (Callan 1983: 123).

Between 1945 and 1992 more than five million settlers were drawn from all parts of Europe, with immigration seen as central to nation-building. In 1947, a new program was introduced. Displaced persons from Eastern Europe were selected on the basis of good physical health and age (older people excluded), with single people and childless couples preferred. The new migrants, regardless of their skills and qualifications, were employed as unskilled workers. For an initial period of one or two years, they lived and worked as directed by the government, after which time these restrictions no longer applied.

Between July 1947 and September 1950, Australia took in more than 160,000 migrants under this scheme (see Jupp 2002; Murphy 1952).

Australia was not represented on the committee responsible for the drafting of the Refugee Convention which occurred between 1949 and 1951. It was, however, party to discussions concerning the Convention. Australian officials objected to the proposed definition of a refugee on the basis it was inconsistent with the White Australia policy as it would not bar entry to refugees of a non-white, non-European background. Australia was also opposed to the idea that signatories to the Convention would have to commit to not deporting refugees; Australia wanted to retain that right for reasons such as mental illness. There was a proposed clause advocating no discrimination against refugees. This was at odds with Australian practice that saw some of its refugees required to enter into contractual arrangements imposing conditions on where they lived and worked, and what

work they undertook. Australia also took exception to the clause that stated refugees would not be penalised for entering a country of first asylum unlawfully. Australia did not want anyone entering unlawfully, even when their intention was to declare themselves on arrival. That is, Australia required refugees to gain permission to come to Australia before setting out. Australia also could not agree with the clause which would allow a person who had arrived in Australia on a temporary work or study basis to later apply to be allowed to stay as a refugee (Neumann 2004: 81).

In the end, the Refugee Convention was restricted to cover events that occurred in Europe before 1951 and other changes were incorporated that allayed Australia's concerns, some of which were shared by other countries. The United States, like Australia, wanted to ensure that nothing in the Refugee Convention could weaken domestic immigration legislation (Neumann 2004: 84). After detailed scrutiny of the Convention by a number of government departments, Australia signed it in 1954 having attached reservations to articles dealing with refugees' freedom of movement and employment within Australia, travel documents and deportations (Palmer 2009: 297).

During the 1950s and early 1960s, Australia was accepting only migrants and refugees who were European in appearance, and of European descent, upbringing and outlook. Even then, some Europeans were considered better than others. Favoured migrants hailing from Britain and Northern Europe were encouraged through assisted passages. They were allowed to bring their families and received full rights as permanent residents. Migrants from Eastern and Southern Europe were less desirable. The vast majority could

not access the assisted passage scheme and had no automatic entitlement to bring their families with them. However when UNHCR asked for assistance from the international community for 200,000 Hungarians who fled after the Russian invasion of 1956, within weeks Australia agreed to take 5,000 Hungarian refugees. This was later increased to 15,000 as part of the immigration quota (Neumann 2004: 35).

It was politically expedient in these Cold War years for Australia to accept the Hungarian refugees in response to the UNHCR request. UNHCR for its part needed the goodwill and cooperation of countries like Australia to be effective. Their uneasy relationship continues to the present day³.

In 1965 UNHCR circulated the draft of a Protocol that would make the Refugee Convention universal rather than limited to events that took place in Europe before 1951. Australia, like other Convention signatories, was largely receptive to this initiative. Even so, although the Protocol came into force in 1967, Australia did not ratify it until 1973. The reasons for the delay are unclear but simple inertia may have played a part along with a desire to avoid a situation where Australia found itself obligated under an international agreement in a manner which might strain relations with close neighbours such as Indonesia (Palmer 2009: 299-304).

Meanwhile the fight against communism was being played out in Asia. The fall of Saigon in 1975 led to the displacement of hundreds of thousands of Vietnamese and international

³ For a broader discussion of the relations between UNHCR and member/donor states, see, for example, Barnett (2002) and Loescher (2001).

efforts based on Cold War allegiances to resettle them. The scale of the Vietnamese refugee problem prompted the Australian government to take steps towards developing a coherent policy position towards refugees (York 2003: 17).

Changes in the social and economic climate of Australia influenced the Refugee and Humanitarian Program implemented in 1977. For example, the White Australia and other overtly discriminatory policies had been dropped by 1973. They had been losing support over the previous decade with the growing realisation such policies were out of step with the rest of world, offensive to Australia's regional neighbours, and becoming an embarrassment and hindrance to trade and international relations (Gurry & Tavan 2004: 127). A further consideration was the composition of the immigration program. The focus had been on attracting unskilled labour but in a time of economic recession and high unemployment, it made more sense to bring in those with skills. Also, there was a move towards increasing the number of places available for family members overseas to join relatives already settled in Australia. Finally, it was recognised that policy appropriate for migrants was not necessarily appropriate for refugees (York 2003: 3). The Refugee and Humanitarian Program was based on four key principles which have remained unchanged for over thirty years, as follows:

- *Australia fully recognises its humanitarian commitment and responsibility to admit refugees for resettlement.*
- *The decision to accept refugees must always remain with the Government of Australia.*

- *Special assistance will often need to be provided for the movement of refugees in designated situations or for their resettlement in Australia.*
- *It may not be in the interest of some refugees to settle in Australia. Their interests may be better served by resettlement elsewhere. The Australian Government makes an annual contribution to the United Nations High Commissioner for Refugees (UNHCR) which is the main body associated with such resettlement (York 2003: 3).*

The late 1970s heralded the first major influx of refugees since the immediate post war period, this time from Vietnam and Lebanon (see Jupp 2002). Between 1975 and 1985, Australia took 95,000 Vietnamese refugees, 95% of whom were selected from the refugee camps in Thailand, Malaysia and Indonesia (Marr & Wilkinson 2003: 36). This followed the trend previously set of maintaining tight control over who comes to Australia whilst legitimately being able to claim a generous and humane response to an international crisis. Thousands of Lebanese settled in Australia between 1976 and 1981 to escape civil war in their homeland (York 2003: 17).

Throughout the 1980s and 1990s Australia accepted refugees under the Refugee and Humanitarian Program from trouble spots all over the world including the former Yugoslavia, Iraq after the 1990/91 Gulf War, and African nations, in addition to those referred to in the previous paragraph. At its highest point in 1981/2, over 21,000 persons entered under the program although around 12,000 per annum was a more typical figure during this period (ibid: 28). Approximately half of these places were allocated for the

family members of refugees already in Australia. Torture and trauma counselling agencies were established in the late 1980s to assist refugees settle in their new country and those with permanent residence benefited from services available to all migrants such as English classes and Migrant Resource Centres (York 2003: 40). These do, of course, benefit those who avail themselves of the services and they also benefit the wider community. The sooner new arrivals adjust to life in Australia, the sooner they can become productive members of the community.

The Refugee and Humanitarian Program has two components referred to as 'offshore' and 'onshore'. Almost all the people settled under the offshore component are referred to Australia by UNHCR or are sponsored by close relatives who are refugees living in Australia. Whether UNHCR-referred or sponsored by Australian residents, Australian officials vet the application to ascertain that the person or family group meets criteria. The onshore component covers those who ask for asylum after arriving in Australia. Many who do so seek asylum having entered the country legitimately with a tourist, business or student visa. They may lodge claims soon after arrival or have lived in Australia for years before lodging a claim, prompted by political upheaval in their country of origin. There are also people who came to Australia by boat or plane without pre-arranged visas and then ask for asylum, and are designated as 'unauthorised' (Hugo 2001).

Before 1996 the number of places available to people who arrived through the offshore program was unaffected by the number of people who applied for asylum after coming to

Australia. In 1996 the two programs were linked in that the number of onshore applicants reduced places available under the offshore program (Refugee Council of Australia 2000: 61). Between 1995/6 and 2003/4 there were 12,000 places available each year for both offshore and onshore entrants. The quota rose to 13,000 in 2004/5, to 13,500 in 2008/9 and to 13,750 in 2009/10. The efficacy of the refugee program is undermined by the lengthy processing times – it can take years for family members to be reunited under the program – as well as the relatively small number of applications finally approved. In 2002/3 and 2003/4 the numbers of finalised applications were 65,000 and 67,000 respectively (Department of Immigration 2004a: 33). With 12,000 places available in those years, these figures indicate at least 80% of applications failed⁴. It also gives perspective to consider that the refugee and humanitarian component is less than 10% of the overall permanent migration program.

The most strident criticism of the refugee program is reserved for the treatment of unauthorised arrivals whose asylum claims are processed under the onshore component of the program. The next section looks briefly at the historical response to unauthorised boat arrivals.

Controlling who comes here – unauthorised boat arrivals

Refugee policy including the Refugee and Humanitarian Program has continued to be a subset of immigration policy with its emphasis on controlling who enters the country which can be traced back to the White Australia policy (McMaster 2002: 279). In

⁴ An application could be made for a family group of say six people who would take up six places of the 12,000 quota. Assuming that applications on average are for 2 people, then 12,000 places equates to 6,000 applications. If only 6,000 out of 65,000 applications are successful, around 90% of applications fail.

contrast with other countries - for example, Indonesia which issues certain classes of visa on arrival - potential immigrants and visitors to Australia have always been required to arrange landing permits or visas before their journey starts. In line with this there is a less than sympathetic response to asylum seekers who arrive without prior authorisation particularly those who come by boat⁵ (Marr & Wilkinson 2003: 30).

Australia's reluctance to accept asylum seekers, apparent from the time the Refugee Convention was being drafted, was evident in the 1960s in its treatment of asylum seekers from West Papua. At that time, West Papua was ruled by Indonesia while the eastern part of the island, Papua New Guinea, was Australian territory. Any West Papuans who fled across the border were allowed to stay in Papua New Guinea where they were housed in camps. They were not, however, permitted to come to Australia. A few West Papuans crossed the seas and turned up in Australia uninvited. They were not welcome, in part due to concerns that by accepting some, many more would follow. The West Papuans were given two options. If they continued to pursue claims to live in Australia, they would be deported back to West Papua. If they dropped their claims, they would be taken to the camps in Papua New Guinea. Faced with this choice, the men elected to go to Papua New Guinea. The government could overlook the element of coercion and report that they went voluntarily (Neumann 2004: 76).

⁵ Neumann (2004: 54) records a small number of sailors from Europe who jumped ship in the late 1930s. Most were permitted to stay as they fitted the criteria of being European, male and fit for work at a time when workers were needed. However, when three Portuguese sailors sought asylum in 1961 in Darwin, their applications were rejected and they were set to be deported. Their story was highly publicised creating a groundswell of support from both the unions and general public. Government ministers who had previously sought their deportation changed their position and the men were permitted to stay. Public opinion decided their fate rather than the validity or otherwise of their claim to need protection (ibid: 62).

1976 saw five Vietnamese men arrive as unauthorised boat arrivals. Between then and January 1978, 1,037 'boat people', as they became known, sought asylum in Australia, which the-then opposition spokesperson on immigration, Dr Moss Cass, condemned as queue jumping (York 2003: 19). The government under Prime Minister Malcolm Fraser arranged for almost a hundred thousand Vietnamese from various refugee camps in the Asia-Pacific region to settle in Australia. Despite this, the government as well as the opposition was highly resistant to the small numbers of Vietnamese who made their own way by boat, even though they may have been unable to find another country to take them and endured considerable hardship before arriving on Australian shores. Nevertheless, by 1981 the 56th unauthorised boat had arrived bringing the total of boat people who had been allowed to remain in Australia to 2,100 over a five-year period. That same year, Fraser's government took a hardline approach when they learnt that one boat had been arranged by people smugglers. Its passengers were deported. It is unclear whether or not they had legitimate claims for asylum (ibid: 26).

There was a lull in boat arrivals from 1981 until the arrival of a boat carrying 26 Cambodians in November 1989 (York 2003: 40). From then to 1998, just over 3,000 asylum seekers arrived by boat, mostly from Asia, an average of 300 a year. Of the 2,400 who were denied asylum and returned to their country of origin, over 1,400 were Chinese (Department of Immigration 2004b). They were removed from Australia despite international concerns about China's poor human rights record, in particular the persecution of Falun Gong practitioners. In a media release entitled *Boat People*

Returned to China the Immigration Department⁶ referred to ‘an agreement between the governments of Australia and the People’s Republic of China’ (Department of Immigration 1996) raising questions as to whether political, economic and/or trade considerations influenced the outcome of asylum claims.

Unauthorised boat arrivals had been detained in migrant hostels until the Port Hedland Immigration Detention Centre was opened in 1991 by Hawke’s ALP government as a more secure facility in which to hold asylum seekers while their claims were processed. A number of policy initiatives targeted at boat arrivals followed, some of which are briefly described in the following paragraphs. In Chapters 9 and 10, some of these policies will be revisited and examined from the perspective of their impact upon the Iraqi refugees who participated in this study.

Mandatory detention for all unauthorised arrivals was introduced in 1992. Legislative changes meant that from 1994, detainees could only be released from detention to be removed from Australia or on grant of a visa⁷ (Human Rights and Equal Opportunity Commission 2004; Millbank 2001). Unlike the justice system whereby the accused could be released on bail and convicted criminals received sentences of set duration with the possibility of parole, immigration detainees were subject to indefinite detention until their

⁶ During the period covered by this thesis, the department dealing with immigration matters has been officially and variously known as Department of Immigration and Multicultural and Indigenous Affairs, Department of Immigration and Multicultural Affairs and Department of Immigration and Citizenship. Unless referencing documents, I have used the generic term, Immigration Department.

⁷ The Federal Court’s decision in *Minister for Immigration and Multicultural and Indigenous Affairs v Al Masri* [2003] 197 ALR 241 resulted in a small number of long term detainees being released from detention without a visa on the basis that all avenues to remove them from Australia had been exhausted. Later decisions reversed the impact of *Al Masri*, effectively allowing lifelong detention for failed asylum seekers who cannot be removed from Australia. For a discussion of the legal arguments which go well beyond the scope of this thesis, see Grewcock (2007: 290-294).

cases were resolved. This led to thousands of detainees being locked up for many years – men, women and children. Reports soon surfaced of the lengthy processing times, hunger strikes, roof top demonstrations, and general unrest at the detention centre. In 1995, when a Labor government was still in power, the-then Immigration Minister, Nick Bolkus, criticised the Chief Justice of the Family Court for describing Port Hedland as a ‘virtual concentration camp’. The same year Curtin Detention Centre was opened, the Port Hedland centre, with capacity for 756 detainees, was full (York 2003: 68-69).

TPVs were introduced in 1999 by a Coalition government led by John Howard. As the name suggests, they provided for temporary stay rather than permanent residence as granted to other refugees. Further, TPV holders were denied access to family reunion programs and the full range of supports available to other refugees. They were also denied the right to travel overseas and return to Australia (Marr & Wilkinson 2003: 91).

By 2000, the Australian Federal Police (AFP) was involved in activities aimed at preventing refugees reaching Australia by disrupting the operations of smugglers based in Indonesia who arranged the boat journeys. Various strategies were employed to meet this objective (Senate Select Committee 2002a: 8).

In 2001, islands that were part of Australian territory were excised for migration purposes. If refugee boats landed on an excised island, they were deemed not to have reached Australian soil. Therefore the passengers were not able to have their asylum claims processed on the mainland and in accordance with Australian law. Instead, under

the Pacific Solution as it was known, asylum seekers were taken to detention centres set up on Nauru and Papua New Guinea. Their claims were processed but without review rights or the right to be settled in Australia in the event of them being found to be a refugee in need of protection.

In September 2001, Operation Relex was launched. The seas between Indonesia and Australia were placed under heavy surveillance as Australian naval vessels sought to detect and intercept refugee boats en route to Australia (ibid: 13).

Concluding comments

There have always been, and most likely will continue to be, people obliged to leave their homes because of war, violence and persecution. Such situations do not arise in a vacuum. Complex political and historical factors contribute to large scale refugee flows which then create significant practical and moral challenges to the international community. In addressing these challenges, the needs of the refugees are balanced against national interest, political considerations and the prevailing wisdom of the international refugee regime. The policies and practices adopted by UNHCR and its main donor countries have adjusted over time as would be expected to reflect political realities, current trends in social policy and changes in the dynamics of refugee flows.

In most cases refugee flight takes people to neighbouring countries where they remain until repatriated or resettled in a third country. The 1990s saw a significant change in this pattern with large numbers leaving not just their country of origin but also their region to

seek asylum, usually in Western countries. As the target countries erected more and more barriers, growing numbers of refugees, including some of the most vulnerable, turned to people smugglers (Marfleet 2006: 249-251).

Australia's response to refugees and asylum seekers has parallels with that of the international refugee regime. Decisions concerning refugees are rarely, if ever, made on purely humanitarian grounds; national interest is also factored in. This was particularly apparent with the large influx of refugees from Europe after the Second World War who were selected according to criteria that would assist the growth of Australia's manufacturing capacity.

Indeed, Australia has had a long history of restrictive immigration policies with an emphasis on controlling who enters the country. As the refugee and humanitarian intake has been a subset of the overall immigration program, it is not surprising that the same considerations have been applied to refugees. In contrast to the support services available to refugees arriving with authorisation under the offshore scheme, from 1992 unauthorised arrivals who arrived without visas then lodged asylum claims were subject to mandatory detention. Further, Australia has put significant resources into deterring people smuggling, aimed at both the smugglers and their passengers.

Having provided both background and context to the events of 1999 to 2001, the next chapter introduces risk as a theoretical framework, and its relevance to the refugee issue.

Concepts associated with risk are revisited in later chapters when considering the policy initiatives described above.

CHAPTER 3

Risk

Introduction

The previous chapter provided an overview of the various ways in which the international community, and Australia as a member of that community, responded to refugees during the twentieth century. These did not occur in isolation; they reflected the political landscape, styles of government and rationalities of the time. The purpose of this chapter is to introduce a theoretical approach that can usefully inform analysis and interpretation of government action during the period in question.

As noted earlier, since the 1990s Western governments including Australia have implemented a raft of policy measures designed to prevent the arrival of refugees seeking asylum. The justifications for such measures imply that refugees pose a risk as discussed below. For this reason, concepts and themes drawn from the risk literature, which have been usefully applied across a wide range of disciplines including environmental studies, criminology, public health and law, have relevance to this study.

This chapter starts by considering why refugees who arrive without visas are considered to constitute a risk to government. It then discusses the two main strands of sociological thought concerning risk. Beck's (1992, 2000, 2002, 2006) notion of world risk theory argues that risk has transformed society from one which revolved around class to one where risk is pivotal. This contrasts with the governmentality theorists who understand

the management of risk as both a strategy and a technology used by governments to exert control and influence.

Unauthorised arrivals as a ‘risk’ for government.

The current geopolitical reality is that the world is organised and ordered into nation-states where a nation-state can be understood to be a bounded territoriality which is recognised as a state by other states. In an ideal sense, the nation-state is responsible for the security of its borders and citizens, and should operate in the best interests of its citizens. Its citizens may be bound through common ethnicity, ancestry, religion or simply by virtue of the place where they live. Alone or in combination, these contribute to a sense of belonging and national identity (Keely 1996).

The fact of there being refugees undermines the global system of nation-states on the basis that one of the main responsibilities of a nation-state is to ensure the security of its own citizens. If a nation-state is unable or unwilling to protect its own citizens, or indeed persecutes them, it points to failure within the system as a whole. Underpinning the Refugee Convention is the recognition that this occurs. Given that there is nowhere refugees can go apart from other nation-states, when one fails to protect its own citizens, unless borders are blocked, other countries are affected. The arrival of refugees may impact upon the stability of the receiving countries.

At a practical level, a large influx of people strains basic infrastructure as refugee communities require food, shelter, security, medical and educational facilities.

Additionally, the citizens of the receiving country can feel threatened by the ‘otherness’ of the refugees who do not share their citizen bond and may exhibit significant cultural and linguistic differences to those of the host country. In the West, such fears were exacerbated in the 1980s and 1990s by claims that large scale migration from developing nations would bring about the breakdown of Western civilisation. The discourse on refugees transformed them from the Cold War victims of repressive regimes deserving of sympathy to potential criminals, disease-carriers, terrorists and deviants who embodied the dysfunctionality of their homelands (Marfleet 2006: 3-4). Particularly in Europe, there is the perception that most of those requesting asylum are opportunistic economic migrants masquerading as refugees even though about 50% are granted some form of protection (Koser 2001: 88). Similar claims have been made in relation to Australia (see Hughes 2002; Pickering 2005). It is worth noting that over 90% of the boat arrivals to Australia between 1999 and 2001, the period of most relevance to this study⁸, have been determined to be refugees (Gibson 2009).

UNHCR statistics record that during 2002-2006, Great Britain hosted five refugees/asylum seekers per thousand inhabitants. Australia hosted three refugees/asylum seekers per thousand inhabitants in the same period⁹ (UNHCR 2007b: table 17 of annex). These figures include arrivals under formal refugee settlement programs as well as those who arrived in the country and then sought asylum. There is a concern that without border restrictions in place, many more people would target Western countries. By way of

⁸ One criterion for potential participants was that they attempted their journey to Australia between 1999 and 2001.

⁹ ‘This indicator is obtained by dividing the yearly average of the number of refugees hosted by a country for the last five years by the national population size of 2006’ (UNHCR 2007b: 78)

contrast, at the end of 2006 two of Iraq's neighbours, Syria and Jordan, were hosting 37 and 85 refugees per thousand inhabitants respectively (ibid: 78). Both countries have instigated stricter border control measures as a consequence.

It is not uncommon for hostility to refugees to be linked to fears that one's country will be overrun. These sit alongside assumptions that residents of developing countries would take any opportunity to live in the West. Yet there is simply not the evidence to support such notions (see Koser 2010: 190). Australia, for example, despite its proximity to one of the most populous and poorest of countries - Indonesia - has never had to contend with large numbers of Indonesians trying to enter illegally, or overstay visas having entered as a tourist, student or on business. Indeed, between 1994 and 2004, the number of visa overstayers has fluctuated between 45,000 and 60,400, with the largest groups by nationality from Britain and the USA (Refugee Council of Australia n.d).

Shortly after the 2001 attacks on the USA, UNHCR 'urged world governments and politicians to avoid falling into the trap of making unwarranted linkages between refugees and terrorism' (United Nations 2001). Years later, a British study found that in the public view refugees and terrorists are connected, and that this has led to members of the public being afraid of and hostile towards refugees living in their communities (Refugee Council 2007: 16). Pedersen et al (2007: 50) noted that public statements by Australian politicians inflamed community concerns and fed misconceptions that asylum seekers¹⁰ and terrorism were linked.

¹⁰ Pedersen et al's (2007) study specifically researched community attitudes to asylum seekers who had arrived without prior authorisation and not attitudes to all refugees.

Long before 9/11, refugees have been linked to criminality in the popular press across the Western world (Malloch & Stanley 2005; Pratt & Valverde 2002). Restrictive practices by Western countries have played a role. As border controls have tightened and with few legitimate options available to them, refugees have in effect been forced into illegality by resorting to people smugglers and using false papers (see Koser 2000: 103).

The increased use of immigration detention adds to the perception that refugees who arrive without authorisation are criminals. Taking Australia as an example, unauthorised boat arrivals have not broken any Australian laws by arriving without visas and lodging asylum claims but are subject to mandatory detention (Pickering 2005: 94). Although the detention regime was officially described as ‘an administrative function whereby people who do not have a valid visa are detained while their claims to stay are considered or their removal is facilitated’ (Department of Immigration n.d.), the fact of being placed in a secure environment suggests wrongdoing (Devetak 2004: 106). The use of terms such as ‘illegals’ and ‘illegal immigrants’ adds to the perception of criminality and deviance (Pickering 2005: 24).

Hence the refugee/asylum seeker issue has been framed as one pertaining to national security, and refugees who arrive without authorisation perceived as a risk to national security.

Beck and the notion of a world risk society

Beck introduced his theory of world risk society in the 1980s and has revisited it in the light of more recent events as diverse as the Asian financial crisis, mad cow disease and terrorist attacks (Beck 2002: 39). He presents a view of the modern world that 'is increasingly occupied with debating, preventing and managing risks that it itself has produced' (Beck 2006: 332). Giddens refers to these as 'manufactured risk...risk created by the very progression of human development' (1999: 4).

As discussed in the previous chapter, the source of refugee flows can almost always be traced back to the processes of colonialism, globalisation and international intervention in domestic affairs. It is highly unlikely that decision makers of the time anticipated the consequences for future generations. This is one of the tenets of Beck's theory, that actions contemporaneously viewed as representing progress and advancement – being 'good' - have unintended consequences which only become apparent through the passage of time. These unintended consequences emerge as dangers or risk factors for future generations who, on recognising the risks or dangers, take action to address them which creates further problems, similarly unanticipated. This is exemplified by the brief history of the formation of modern Iraq and neighboring countries, and the circumstances which allowed Saddam's rise to power, as outlined in Chapters 5 and 6. It gives an insight into how Western powers' interference in Middle Eastern affairs in the early part of the twentieth century has contributed to the current instability in that region.

Returning to Beck, he argues that such unintended consequences have the potential to cross national borders and are therefore beyond the ability of a single country to manage

and contain. It is particularly apposite with regard to refugees who by definition are outside their country of origin. The formation of international bodies such as UNHCR as discussed in the previous chapter illustrate that coping with refugee flows are indeed beyond the ability of nations to cope with alone. Beck also argues that the consequences of actions taken to address risk are unrestricted by time as it can take years or decades for such consequences to be recognised. In summary, the hazards created by modern practices which include but are not restricted to technological progress have been unpredictable, without precedent, potentially catastrophic, possibly one-offs and with global consequences (Beck 2002).

Beck further argues that such hazards typically have the most devastating impact upon the poor and vulnerable who are least able to insure or protect themselves against risk, noting the aftermath of the 2004 Boxing Day tsunami and Hurricane Katrina in 2005. He suggests that the worst effects of climate change will be felt by those in the poor regions of the world 'where population growth, poverty, the pollution of water and air, inequalities between classes and genders, AIDs epidemics and corrupt, authoritarian governments all overlap' (Beck 2006: 339).

Further parallels can be drawn between Beck's theory and the refugee issue.

Contemporary governments, in their efforts to address unregulated migration, have created another set of risk scenarios for the vulnerable. One example occurred in the 1990s when Western governments in particular enacted policies to restrict the transnational movement of refugees. As previously noted, whilst initially successful these

had unexpected consequences, most notably the growth in demand for the services of people smugglers which presented a further challenge to authorities as well as adding to the risks faced by refugees and asylum seekers.

Beck discusses the manner in which risks are a ‘type of *virtual reality*’ (Beck 2000: 213, his emphasis). Should a risk eventuate, then there is no longer risk, the imagined scenario has happened. Before that occurs though, risk is a construct that, having been defined, exists even when the basis for it is debatable.

Whether it be a form of risk that is calculable, or one that has entered the public domain through speculation, the current preoccupation with risk has transformed society. In Beck’s view, ‘risk exposure is replacing class as the principal inequality of modern society’ (Beck 2006: 333). He draws attention to the distinction between ‘risk *decision-makers* and those who have to deal with the consequences of decisions of *others*’ (Beck 2000: 214, his emphasis). Pursuing a similar theme, he writes that risk:

...is a socially constructed phenomenon, in which some people have a greater capacity to define risks than others...The inequalities of definition enable powerful actors to maximize risks for ‘others’ and minimize risks for ‘themselves’. Risk definition, essentially, is a power game. This is especially true for world risk society where Western governments or powerful economic actors define risks for others (Beck 2006: 333).

The power differential is readily apparent when considering the situation for refugees who flee their country of origin when their own government is unwilling or unable to afford them safety and security. They are then obliged to prevail upon other countries from a position of no or limited legal rights and hence vulnerability. In this case the balance of power is clearly weighted in favour of national governments who have the sovereign power to grant or deny them refuge.

Beck also alludes to an important contradiction inherent within his world risk society. Having identified a risk, a government is then obliged to state how it will address the risk while not knowing whether it will ever eventuate or what the consequences would be should it eventuate. Beck refers to a hidden issue at the core of a world risk society; a pretence of being able to control something which is uncontrollable because it is unknown which permeates all sectors of society (Beck 2002: 41).

Beck linked the concept of risk directly to the concept of reflexive modernisation which is a process whereby society transforms as a result of re-evaluation of hitherto accepted norms (Beck 1992: 21). It links to risk in the following way. With many issues, experts disagree between themselves whether there is associated risk, and if there is, how to address it. Their opinions are subject to challenge by an increasingly informed public who are less inclined than in previous eras to unquestionably accept authority and expert opinion. The differing views, whether they come from those with specialist training, members of community groups or politicians, add to the uncertainty and ambivalence which is a feature of current risk-focused society. These diverse views are concerned

more with the consequences of decisions rather than the decisions themselves (Beck 2006: 339). Through such public discourse, contemporary society is subject to constant review and re-evaluation, and is confronted by the impact of its practices and the limits of its knowledge. Reflexive practices therefore play a significant role in decision-making, while decision-making is increasingly concerned with what may or may not happen in the future. This gives rise to a new challenge to the political apparatus, that of appearing to be in control in the face of an uncertain future. The notion of risk society therefore implies both a preoccupation with the future, and a desire for control over what has not yet happened (Giddens 1999: 3).

A preoccupation with controlling the future and the impact of reflexive modernisation were both seen in 2006 in Australia when the Howard government failed in its attempt to introduce legislation targeted at unauthorised arrivals who might at some future time reach the Australian mainland by boat and seek asylum. The proposed legislation was designed to block them from lodging their claims on the mainland and therefore denying them even the possibility of protection by Australia. The sustained effort of the refugee advocacy movement had by this time drawn influential people into its ranks, including some politicians, and ultimately the government had no option but to drop the proposed bill (Kelly 2006).

Australian and international courts have adopted the 'precautionary principle' in relation to environmental protection matters. That is, in situations where there is no scientific certainty that the environment might be significantly damaged, the lack of certainty is no

justification for not taking measures to ensure that harm or degradation does not occur (Cole 2005). Application of the precautionary principle is not considered appropriate for all risk situations, only those where there is both the potential for serious harm and uncertainty as to whether or not that harm will occur (Ewald 1999: 548).

Use of a precautionary approach introduces a degree of logic into decision-making under conditions of uncertainty (ibid: 564). It is premised on taking action to prevent the possibility of serious harm occurring rather than allowing events to unfold and respond accordingly. However, consideration of risk and potential harm introduces worst-case scenarios into the public discourse which may influence decision-making. Beck argues that politicians in power, given the responsibility vested in them to ensure security for their citizens, operate on the precautionary principle 'because the *political* costs of omission are much higher than the costs of overreaction' (Beck 2006: 336, his emphasis). The consequences of overreaction are also unknown until after the event, which gives rise to his assertion that politics is itself a source of risk (ibid). This is particularly pertinent with regard to policies enacted by the Australian government in response to refugees who arrived without pre-arranged visas as discussed in the second part of this thesis.

In 2002 Beck identified 'at least three different axes of conflict in world risk society'; environmental and technological conflicts, financial crises and global terror networks (2002: 41). At a later date Beck in a joint article with Sznaider referred to a planetary network that exists by virtue of the global risks that connect developed and developing countries. They then introduced a fourth axis, that of a moral crisis stemming from the

human rights movement which upholds the individual rights of all, including strangers and foreigners (Beck & Sznaider 2006:11). The parallels with the transnational movement of refugees and asylum seekers are apparent. The refugee issue is of significant global concern and one that affects both developed and developing countries. Refugees, once characterised as victims (Marfleet 2006: 147), are increasingly framed in terms of the risk they represent as previously discussed.

Beck (2002: 45) points out that the axes interact. Technological progress has seen improved transnational communications, particularly through the internet and mobile phones. It has also facilitated the movement of money across the world, and made international travel more widely accessible. An unintended consequence is that terror networks, as well as tourists, business people and refugees, have been able to take advantage of these developments.

The existence of global threats and common enemies creates a basis for cooperation and reciprocity rather than antagonism between states. For this reason, Beck contends that in a world risk society, 'national security is no longer national security' (Beck 2002: 46). Rather, it has been transformed into 'transnational cooperation' (ibid: 47) which is the best way to deal with not only with global terror but also immigration and transnational crime. As discussed in the previous chapter, since the 1920s when the League of Nations was formed, the international community has worked collaboratively to address large-scale refugee problems. In 1950, UNHCR was created specifically for this purpose. States either work through the auspices of UNHCR or negotiate directly with each other.

Beck views collaborations between states to address common problems as a positive outcome of a world risk society which he describes as ‘enforced cosmopolitanism’ whereby ‘global risks activate and connect actors across borders, who otherwise do not want to have anything to do with one another’ (Beck 2006: 340). This should not be seen to imply that there is an equal power distribution between said actors. Whereas Western governments may take steps to protect their own interests, they are not necessarily concerned that their actions can create or add to risks faced by other members of the global community. It is this consideration that underpins the fourth axis of conflict, namely morals, which sees the proponents of global human rights challenge the decisions of Western governments (Beck & Sznaider 2006: 11). This point can be related to the debate concerning refugees who arrive without authorisation, variously framed as a national security issue and a humanitarian/human rights crisis.

As a final comment on Beck’s world risk theory, he notes that discussion and debate around broad topics such as nuclear energy, global warming, gene technology, instability of the world markets and terrorism take on different dimensions after specific events occur, exemplified by the 1986 disaster at the Chernobyl nuclear plant, the Asian financial crisis of 1997 and the terrorist attacks in the USA on September 11 2001. Moral and legal arguments come to the fore as those directly affected seek compensation and attempts are made to establish cause and liability (see Beck 2002). In the Australian context, as at March 2010 more than \$12 million has been paid to settle 76 compensation claims arising from alleged injury or wrongful detention in immigration detention centres between 2000 and 2007 (Senate Legal and Constitutional Affairs Legislation Committee 2010).

In summary then, Beck's thesis suggests that the current preoccupation with risk is largely a result of the unfortunate, sometimes disastrous, effects of decisions made by former governments and others to further their attempts to achieve progress. As society has become aware of the past miscalculations of politicians and 'experts', there is an increase in public debate that, through the process of reflexive modernisation, influences the decision-makers. Yet ultimately the decision-makers retain their power often at the expense of the poor and vulnerable. However, the global nature of crises and potential disasters facing humanity has seen more cooperation and collaboration between states from both the developed and developing worlds.

Beck's thesis has influenced the development of environmental law (Goodie 2006:140) and provided a framework for security analyses in the aftermath of the September 11 2001 terrorist attacks (Aradau & Van Munster 2005: 3). In similar fashion, world risk theory can illuminate the responses by Western governments towards refugees.

Governmentality and the management of risk

The governmentality approach has its origins in the work of Michel Foucault who first made reference to it during a series of lectures in 1978 (Nichols 2007: 11). Since his death in 1984, his influence on the social sciences has been substantial as scholars have developed his ideas as a way of understanding and critiquing the methods employed by social and political institutions (see Lemke 2007: 3).

Given the use authorities make of risk to govern, rationalise and organise social situations, its management has become a major subset of the governmentality approach. However, governmentality avoids the kind of globalising propositions characteristic of Beck and concentrates instead on analysing how risk is utilised as a tool of governance.

This section begins with a general discussion of governmentality theory and then considers how the management of risk has been applied by various scholars to social issues, including refugees. It concludes by highlighting some distinctions and similarities between governmentality theory and Beck's approach.

The governmentality approach

Lemke (2007: 2) suggests the governmentality approach, derived largely from lectures given by Foucault that were not intended for publication, is best considered as a working hypothesis. It differs from traditional political analyses which adopt a top-down approach based on the premise that the state is the source and centre of power and authority (Rose 1999: 1). Its proponents also point out that labelling a state, for example, as 'capitalist' or 'patriarchal' or 'totalitarian' at the outset carries with it certain assumptions that colour resultant analyses and by framing analyses in those terms, neglects other salient factors. In sidestepping such ideological positioning, the governmentality approach provides a different order of insight into the rationalities that lie behind government policy and actions (see McHoul & Grace 1995).

Foucault used ‘government’ in its broadest sense, not limited to political structures and management of state. Instead he used it as it had been used in the sixteenth century, when ‘government’ referred to how the behaviour of individuals in different contexts could be directed. About government he stated that;

... it designated the way in which the conduct of individuals or states might be directed: the government of children, of souls, of communities, of families, of the sick. It did not cover only the legitimately constituted forms of political or economic subjection, but also modes of action, more or less considered and calculated, which were designed to act upon the possibilities of action of other people. To govern, in this sense, is to structure the possible field of action of others (Foucault 1982: 221).

By combining the words ‘government’ with ‘mentality’, Foucault was indicating government is inseparable from modes of thought that inform its actions (Lemke 1997: 1). Ways of thinking about the nature of government and its practices are captured in the phrase ‘political rationalities’ (Harris 1999: 34). According to Rose and Miller (1992: 179), they are discernable from political discourse through three common features. First, political rationalities have a moral form. Among other things, they delineate realms of activity, specify the limits of powers for different types of governing authorities and identify guiding principles and objectives. Second, they embody some notion about the object of governance whether it is children to be educated, a population to be immunised or, in relation to this study, refugees to be deterred from arriving without prior

authorisation. Third, political rationalities are articulated using specific vocabulary and phrases which make it possible to think about reality in a way that is 'amenable to political deliberations' (ibid). Examples of these might include terms like 'interventions', 'national security' or 'queue-jumping'.

Foucault distinguished between three modes of exercising authority; sovereignty, discipline and governmentality. Sovereign power, evident through the exercise of law and military deployment, was designed to 'augment the status and the possessions' of the sovereign ruler (Harris 1999: 31). As the industrial revolution took hold, discipline was the means by which institutions such as prisons, factories and schools exerted power over inmates, workers and pupils to 'normalise, control and bring about conformity' (ibid: 31). Discipline in the Foucaultian sense is more akin to training than coercion, and is achieved through self-regulation (Ruhl 1999: 75). The third mode, governmentality, has its origins in the eighteenth century and is concerned with the various mechanisms employed to exercise authority and control populations that extend beyond security forces, laws and institutions. It relates to the strategies and tactics used to shape and influence the attitudes, beliefs and behaviours of resident populations.

Foucault also proposed that these three modes did not supplant each other but coexist in a triangular relationship. In elaborating on this, Rose suggests that from the nineteenth century on, sovereignty and discipline are most usefully considered under the guise of governmentality (Rose 1999: 23). Under modern liberal governments, sovereignty and discipline are evident as specific techniques through which power can be exercised to

shape the conduct of individuals and populations. In this scenario, the state is but one element in a complex array of authorities, organisations and institutions through which power is dispersed. These are Foucault's 'apparatuses of security' the means by which the trilogy of sovereignty, discipline and governmentality shape conduct (Holmes & Gastaldo 2002: 559). They include the military and police forces, intelligence agencies and the health, welfare and social systems (Dean 1999: 20).

Governmentality theorists suggest that governing is the more or less deliberate attempt to direct behaviour in a specific manner to bring about a particular result. Importantly, this shaping of conduct is moral in nature. In the words of Dean:

It <government> is moral because policies and practices of governments, whether of national governments or of other governing bodies, presume to know, with varying degrees of explicitness and using specific forms of knowledge, what constitutes good, virtuous, appropriate, responsible conduct of individuals and collectives (Dean 1999: 11).

Contemporary discourse regarding a regional processing centre for refugees provides an example of government presuming to know what constitutes appropriate and responsible conduct by asylum seekers. In giving the rationale for such a centre, Prime Minister Gillard expressed her belief that asylum seekers would not risk their lives on smugglers' boats to get to Australia if on arrival they would be taken to a processing centre located elsewhere in the region (Gillard 2010).

The efficacy of government initiatives is judged by various measures; statistical analyses, key performance indicators and program evaluations. Government policy on refugees is judged, in part, according to the numbers of asylum seekers arriving by boat and how many are held in immigration detention. The decisions and actions of modern liberal governments and their agents are expected 'to be accountable and accounted for, justified in terms of their rationale and anticipated outcomes' (Harris 1999: 33).

Liberalism as a political philosophy places high value on personal freedom and liberty. These are generally conceived in the negative; that is, the absence of domination or coercion (Rose 1999: 1) which are the hallmarks of authoritarian styles of government. Viewed from the perspective of liberalism as a political rationality, freedom and liberty are artefacts, more accurately described as personal autonomy and freedom of choice within certain boundaries (Beeson & Firth 1998: 218). Dean (2002a: 40) argues that the authoritarian aspects to governing liberally are apparent in two distinct but intertwined systems. The first of these are legal and political structures that protect individual freedoms. Second there is the 'liberal police', where 'police' denotes the generalised keeping of order (as opposed to a government agency with uniformed officers who administer the law). Securing the conditions of social and political order are central aims of liberal governments which 'necessarily presuppose a power that determines what constitutes public order and decides when it obtains or is disturbed. They presuppose sovereignty' (Dean 2002b: 134).

The expectations of civil society exert a moral imperative on individuals and collectives to conform and fulfil community obligations considered necessary to maintain social order. Much of the criticism levelled at unauthorised boat arrivals is based on the perception that they have obtained an unfair advantage by arriving as onshore asylum applicants rather than applying from overseas through the offshore program. Government intervenes most directly in the lives of those whose behaviour is judged as bad, inappropriate or irresponsible and subjects them to the disciplinary powers of the state. The unemployed are encouraged to find work and those who commit crimes are punished (see Dean 2002a). Those who arrive by boat seeking asylum but without pre-arranged visas are detained indefinitely. Stenson notes an ever-present illiberal underbelly to liberalism which appears in response to behaviour deemed unacceptable.

At every stage in the history of liberal societies it has been possible to identify a dark underbelly of repressive policing and criminal justice in dealing with recalcitrant, alienated and rebellious sections of the population (Stenson 2001: 19).

Liberalism is broadly categorised into three phases. Classical liberalism which was favoured during the nineteenth century and the first half of the twentieth century featured a minimalist approach to government intervention and regulation with an emphasis on the individual and a free market. Hence policies to address societal problems were targeted at individuals; for example, the governing of 'poor individuals'. Under the socialist and welfare-liberal governances of the mid twentieth century, the governing of individuals was replaced by the governing of categories such as poverty. At this time, social

problems were more likely to be attributed to social policy with greater emphasis on collective solutions such as government-run health care facilities and automatic age pensions (Harris 1999).

The 1970s marked the beginning of the third phase, that of advanced liberalism which reflects the internationalisation of economies and a movement away from managing national affairs with a predominantly national focus to one restricted by norms and expectancies of world markets. Economics, trade and finance have been prioritised at the expense of social policy, impacting on the provision of welfare and related services (Harris 1999: 41-43). Advanced liberalism returns responsibility to individuals for managing their own lives and future security as exemplified through the growth in private health insurance and superannuation schemes (O'Malley 2004: 11).

Additionally, many of the services which used to be provided by the state are now contracted out to third parties including not-for-profit organisations and private enterprise. Political government maintains a degree of control by stipulating the conditions under which contracts are awarded. This is apparent in the systems put in place to manage asylum seekers. The Australian government through its agency Australian Protective Services provided security, catering, health, welfare, education and transportation services to Australian immigration detention centres until 1997 at which time these services were contracted out to Australasian Correctional Management Pty Ltd

(ACM), a company part-owned by one of the major global players in the provision of custodial services to governments (Department of Immigration 1997).¹¹

The practice of contracting-out service delivery draws both non-profit and profit-driven enterprises into the sphere of governmental security apparatuses.

Management of risk

Any phenomenon perceived as challenging the social and political order constitutes a risk which demands some kind of response from the governing authorities. Liberal governments have enacted a range of strategies and techniques in response to behaviours or situations identified in terms of risk, threat or hazard whether they be environmental, health or national security. O'Malley captures the basic premise concisely. 'To govern something as a risk is to identify a future condition as being more or less probable and to set in train ways of responding that will affect this probability in some way' (O' Malley 2005: xii).

Studies in the management of risk that use a governmental approach can be found across disciplines including psychology, psychiatry, economics, law, political theory and sociology. Central to these studies is the problem which authorities or social institutions seek to address and the means used to address it rather than the application of an accepted theory to the problem (Dean 1999: 3). Themes include the impact of the various ways of dealing with risk upon subjects and their social relations, how these relations are

¹¹ The contract was awarded to GSL Australia (also known as G4S and Group 4 Falck Global Solutions) in 2003 and to Serco Pty Ltd in 2009.

transformed through the adoption of risk-related technologies and governance, and the relationship between risk-based governance and the political rationalities that underpin liberal styles of government (O'Malley 2004: 7-9).

Calculation of risk is most readily associated with the insurance industry which draws upon large quantities of historical data to determine premiums that any given organisation or individual is required to pay to insure themselves against a specific untoward occurrence. The purpose of insurance is to compensate for loss after an adverse event rather than seeking to minimise the risk of its happening (Ewald 1991). It is this that provides a clear distinction between insurance and other forms of risk technology.

The technologies targeted at reducing various forms of risk affect the behaviour of individuals and organisations, and the interplay between them. Thus, for example, in the case of psychiatric patients, the shift from assessments premised on ascertaining the 'best needs' of the patient to evaluations based on whether that client presents a risk to self and community radically affects the relationship between psychiatrists and their patients. As well as this, organisations themselves are changed, with hospitals for psychiatric patients now categorised as to their level of security rather than being defined in terms of 'cure or care' (Rose 1998: 492).

Societal transformation through risk governance is evident elsewhere in the medical field. Mothers-to-be have been recast from women whose pregnancy requires medical oversight (O'Malley 2004: 7) to an at-risk group where the risk is not to themselves but

to their unborn child. As such, they are the targets of information concerning preventative action to reduce that risk and expected to act accordingly through their lifestyle choices. This is morally infused in that mothers who fail to observe the guidelines and harm their babies are considered at fault. Critics point out that this fails to take into account other social factors outside the control of the mothers-to-be (Ruhl 1999).

It is not uncommon for interventions to take on a moral character by focusing on harm that individual or collective actions can cause to themselves, other individuals or society at large. Most risk strategies operate on the basis that individuals as rational actors are capable of making informed choices and will respond appropriately to programs designed to change behaviour. An example of this was given earlier in relation to the proposal to establish a regional processing centre in the Asia-Pacific region and the assumption this would be a disincentive to boarding smugglers' boats to Australia (Gillard 2010). The moral dimension can be seen in the references to people smugglers as 'absolute scum of the earth' by former Australian Prime Minister Kevin Rudd (Rodgers 2009). It could also be seen when his predecessor, John Howard, sought to deflect criticisms directed at his government for incarcerating children in immigration detention centres by blaming their parents for bringing children to Australia without a valid visa (Howard 2005).

When interventions fail in their intent, rather than fault the program, political expediency can lead to the categorisation of certain groups as inherently deviant. This then becomes justification for employing alternative strategies that seek to exclude, confine or isolate which O'Malley refers to as 'specific strategies of categorically exclusionary risk'

(O'Malley 2002: 10). He further suggests that governing authorities are prepared to use such strategies for those identified as *other* who are 'not like us and cannot become like us' (ibid). Paedophiles for example are 'a category of subjects who are politically and governmentally demonized and excluded' (ibid: 211). He later writes in relation to Australia that;

The imprisonment of illegal migrants (refugees) in a concentration camp in the South Australian desert, although this has little to do with risk per se, certainly suggests that where existing candidates for exclusion are available, categorically excluding responses will be mobilized (ibid: 213).

In Chapter 10, I will present an argument that mandatory detention as one of an array of policies and strategies targeted at refugees who arrive in Australia without authorisation is indeed a categorically exclusionary response but one which is strongly aligned to an overarching risk management approach by government.

Governmentality studies typically focus on the relations within nations. However Lippert (1999) used the approach to consider the international refugee regime comprising UNHCR, member states and non-government organisations (NGOs). He noted that each of the policies and programs they introduced to deal with the refugee problem ultimately failed. This did not lead to the disbanding of the organisations concerned. Instead they invented new programs. In this context Lippert draws attention to Foucault's observation on the prison system. 'So successful has the prison been that, after a century and a half of

‘failures’, the prison still exists and there is the greatest reluctance to dispense with it’ (cited in Lippert 1999: 304).

Refugee camps made their appearance after World War Two as an efficient means of managing and administering to large numbers of refugees. As with the inmates of prisons and asylums at that time, refugee camp inhabitants were subject to discipline and not free to organise their own lives. They were kept segregated from the wider community and did not enjoy the same legal rights and freedoms as citizens. At the same time camp administrators were expected to ensure the refugees were provided with food, education, health and various social services, financed through funding received from donor countries. As welfare-liberalism began to lose favour in Western countries, there were concerns that the refugees in these camps were adopting welfare-dependent mentalities. This was accompanied by a reduction in donor countries’ contributions to UNHCR, thereby affecting UNHCR’s ability to provide aid. By the 1980s, the dominant discourse within the international refugee regime revolved around notions such as empowerment and building of communities, with refugees in the camps encouraged to take active roles in how the camps were managed (Lippert 1999: 309-313).

NGOs working directly with refugees are funded through UNHCR, their own governments’ foreign aid programs or private donors. NGO recipients of UNHCR or state funding, as a condition of the funding, can only operate approved programs and are required to report back to the funding authority. The autonomy of NGOs which rely upon

government funding is compromised which places them in the same ambivalent position as UNHCR, an agency reliant upon donor countries for funds.

Traditionally NGOs supported refugee populations through provision of aid and community development initiatives. As refugees were recast from ‘victims’ to a high risk group threatening global stability, the role of NGOs working with refugees in the 1990s changed to incorporate monitoring and reporting, enabling identification and management of risk (Lippert 1999: 318).

The 1990s also saw the emergence of sophisticated modelling techniques designed to predict which states were likely to fail and would therefore be the source of future refugee flows. Lippert observes that;

...the US State Failure Task Force that is analysing crises over the past forty years to produce a system that would enable warning of coming crises two years in advance. Six hundred potential factors are being considered, of which thirty-one have been found to discriminate between states that will fail and those that will succeed, with failure being assumed to lead to refugee movements (Lippert 1999: 317).

International and national responses to refugee crises have not been limited to risk assessment. Advanced liberal governments have utilised their apparatuses of security in introducing measures to deter refugee flows. IOM, established in 1951, is an inter-

governmental agency with over 120 member states. As well as providing aid to humanitarian disaster zones, IOM activities include the training of border security guards and facilitating deportations. Australia has contracted IOM to provide a range of migration-related services in overseas locations. These included the management of detention centres situated on the islands of Nauru and Manus, Papua New Guinea under the Pacific Solution, introduced in 2001 as part of a wider strategy to prevent asylum seekers reaching the Australian mainland. IOM also operated in Indonesia on behalf of the Australian government, using a network of surveillance offices to strengthen the management of irregular migration in Indonesia (IOM 2008: 44).

After the failure of strategies to deter asylum seekers including overseas advertising campaigns featuring sharks, crocodiles and snakes (The 7.30 Report 2000), in common with other Western countries Australia mobilised its military forces to intercept refugee flows. Lippert (1999: 319) argues that this is not a consequence of ‘a throwback to a previous, less-enlightened era’. Instead, it serves as an example of how governmentality and sovereignty co-exist. In Lippert’s words;

The onset of advanced liberalism and a new emphasis on risk in this regime and governmentality more generally have not replaced sovereignty. Rather, governmentality and sovereignty can be understood as mutually constitutive and complementary in particular contexts (ibid).

Beck's world risk theory and the governmentality approach

The governmentality approach to risk can be differentiated from that of Beck and world risk theory in three main ways. First, Beck discusses the concept of risk as though it were a single commodity whereas governmentalist are concerned with the diversity of ways in which it is employed as a technology of governance (O'Malley 2004: 6). Second, while Beck regards the current preoccupation with risk to have stemmed from the hazards created by the processes of modernisation, governmentality theorists posit risk as being one of many governing techniques in combination with other factors. Third, and related to this, governmentality theorists also reject the implication in world risk theory that society has developed in an inexorable and linear fashion. They suggest that transformations and realignments have turned on the particular construction of events at any given time rather than moving forward in an orderly fashion. Therefore an understanding of the elements that brought about change is of greater value than a chronological historical account of what has occurred (Isin 1997: 116).

There are however some overlaps between the two approaches to risk, most notably with regard to Beck's exposition of reflexive modernisation and the role it plays in decision-making. As Goodie points out, citing Dean, examination of how current knowledge is challenged can lead to an understanding of 'shifts in the process and focus of contemporary government' (Goodie 2006: 137). In Foucaultian terms, this is illustrative of the diffusion of power from central political government to the broader community, in that governing (in the sense of guiding and directing conduct) is located in the interplay between state and other organisations and individuals. In the context of this study, this

usefully draws attention to the role played by members of the legal and medical professions, community groups, NGOs and concerned citizens in bringing about change to Australian legislation and policies concerning refugees (Gosden 2006).

Concluding comments

Both world risk theory and governmentality offer means of considering how governments and agencies have interacted with the refugees, the political rationalities behind such engagements and the effects upon the refugees.

Beck's hypothesis is particularly relevant in his identification of the axes of conflict, and the tension that exists between human rights and national security agendas. His arguments that risk responses generate unintended consequences which create further risk situations are apposite. They are illustrated, for example, by what occurred after Western governments instituted various forms of barriers to discourage refugee movements. Having blocked many legitimate avenues to seek asylum, governments were then required to respond to the problem created by the increased use of people smugglers.

Analysis based on the governmentality approach provides a different yet ultimately complementary approach through which the rationalities behind the actions of government can be discerned and explicated. Together these provide a basis for considering the intersection between governments and refugees as described in Chapters 5 through 10.

CHAPTER 4

The data: method, ethics and practicalities

Introduction

As indicated at the outset of this thesis, this study explores the experiences of Iraqi refugees as they made their way from the Middle East region across south-east Asia to Australia during the period 1999 to 2001. The fieldwork component of the study aimed to identify the issues assigned significance by the Iraqis as they journeyed through Iran, Jordan, Syria, Malaysia and Indonesia, and for those who made it that far, when they arrived in Australia. As people smugglers played a critical part in their journeys, it also considered the relations between the refugees and the smugglers. To probe these issues, the research employed a qualitative method, drawing primarily on two sets of interviews and supplemented by evidence given during the trial of a people smuggler. The first set of interviews was conducted with Iraqi refugees living in Australia who had completed their journey. The second set involved Iraqi refugees stranded for six or more years in Indonesia having failed in their attempts to reach Australia.

Fourteen people were interviewed in Perth, Western Australia in the last quarter of 2006 and in March 2007 eight people were interviewed in Cisarua, West Java, in Indonesia. These narratives were supplemented by testimony from 36 Iraqi refugees who were witnesses at a people smuggler's trial held in Perth in 2006¹². In total, the accounts of 58 people (51 men and 7 women) have been analysed, all of whom travelled on boats arranged by people smugglers. In addition, during the Indonesian fieldwork there were a

¹² *The Queen and Keis Abd Rahim Asfoor* [2006] District Court of Western Australia.

number of conversations and exchanges outside of the interviews which gave greater insight into the refugees' circumstances.

The thesis also accesses a range of documentary sources to add background and context to participants' and witnesses' accounts. These allow for a greater appreciation of the circumstances they faced in addition to providing corroboration, thereby strengthening the robustness and credibility of their stories.

A number of methodological, ethical and practical questions arose in relation to the collection and analysis of data for this study. While some of the issues are commonly found in social research involving the participation of marginalised and vulnerable groups, certain aspects were heightened in this study due to the specifics of the refugee experience and the circumstances of participants.

In addressing these questions, this chapter is arranged in three sections. The first provides a theoretical discussion of grounded theory which was influential in the methods used for the collection of data in this study, and contributed to the analysis phase. The second considers some ethical and practical issues that arise when conducting research with refugees and indicates their relevance to this study. The third describes how the study was conducted, the themes that emerged and the use of additional material.

Grounded theory

Why grounded theory

In considering how best to conceptualise and approach my fieldwork, I was particularly mindful of two factors. First, although recent years have seen the emergence of a growing body of academic work concerning refugees drawn from a range of disciplines (including migration studies, social history, public health, psychology, mental health, politics, law, human rights and social justice), there has been little attention given to refugee journeys in general and more specifically en route to Australia. When they have been described, it is in brief and ancillary to the main theme of the written work, which might be, for example, the legal framework. I therefore had to decide how best to proceed with a study in an area where there has been little previous research.

Second, refugee research as a subset of forced migration studies has traditionally been driven by policy makers, bureaucrats and politicians, looking for answers to immediate problems to suit national interests, and has therefore tended to be narrowly defined.

Consequently, there have been calls for greater participation by the people who arguably are best able to provide insight into the hows and whys of forced migration; that is, refugees and other forced migrants (see Castles 2003; Marfleet 2006).

There were advantages associated with adopting a grounded theory framework as it addressed both these concerns. Grounded theory is particularly well-suited to studies where there has been little previous research and is a good fit with research such as mine

where the intention has always been for participants' narratives to remain central to the study as it develops.

In this case, as noted in the introduction to this thesis, the application of grounded theory techniques drew out the central theme of this study, the ongoing insecurity and fear experienced by participants on their journeys; and a secondary but major theme, being the impact of government action on them. This took the research in an unplanned direction – as can be the case with a grounded theory study where the data give direction.

Here, I provide a brief introduction to the main assumptions attached to grounded theory. Later in this chapter, I describe how I used, adapted and departed from this framework.

About grounded theory

Grounded theory is an inductive approach to social research, so called because theory emerges or develops through the process of gathering and analysing data, and is therefore grounded in the data (Neuman 2000: 145). It is unlike those research methods which start from the premise of testing or verifying existing theories or hypotheses (Babbie 2005: 304; Jeon 2004: 251).

Used mainly in qualitative research, although it can be applied to quantitative data as well, grounded theory was introduced by Glaser and Strauss (1967) based on their study into the care of terminally ill patients within a hospital setting. From this, they described the process they followed when researching an area about which little had been written.

Glaser and Strauss regarded the way in which their research evolved to be an integral part of their study, and therefore an integral part of what later became known as grounded theory.

Since that early collaboration in the 1960s, Glaser and Strauss' views on, and application of, grounded theory have diverged (Babchuck 1996; Glaser 1992; Jeon 2004; Kennedy & Linaard 2006). Strauss and Corbin (1990) introduced detailed processes and procedures to be used in a grounded theory study to which Glaser (1992) strongly objected. Glaser and Holton (2004: 2) more recently argued that grounded theory has been remodelled into and subsumed by qualitative data analysis methods.

Consequent to this divergence of views, Kennedy and Linaard (2006) observed that recent grounded theory research adheres to either the Glaser or the Strauss and Corbin models, or a combination of both (or draws upon the work of other grounded theorists). They also note that researchers have opted to use grounded theory method selectively for either data collection or data analysis, applying only those parts of the method that suit.

In the tradition of classic grounded theory (Glaser & Strauss 1967), the genesis for grounded theory research is an area of social interest or a social phenomenon which is articulated through a question, framed in a way that allows scope for flexibility as the study proceeds. Early analysis of data guides the researcher in the collection of further data. These then direct the researcher towards further data sources and relevant literature.

Grounded theory contrasts with other research methods which require the researcher to decide upon the main focus of the study and review the literature before gathering and analysing data. This can be problematic when the study concerns a social phenomenon for which there is minimal literature available. For this reason, grounded theory is particularly well-suited to studies where there has been little previous research, such as this study.

In a grounded theory study, data are gathered based on ‘theoretical sampling’. In the early stages of the research, this necessarily means accessing those data sources which are likely to provide information about the area being researched. As the study progresses, the data are evaluated, directing the researcher to other sources of data and information (Jeon 2004: 251). Consistent with this approach, grounded theory supports triangulation. That is, gathering relevant data from different sources by different means; for example, interviews, observation and textual analysis (see Clark et al 2006; Orlikowski 1993; Pandit 1996).

If interviews are the primary data source, early interviews are open and unstructured. As each interview proceeds or soon after, the researcher codes them by identifying areas of interest. He or she can then begin to make informed decisions as to the selection of future participants and the focus of subsequent interviews. The researcher decides to cease the interviewing process when ‘saturation’ has been reached; that is, interviews are covering the same ground and not providing additional information or new codes (Clarke et al 2006: 184).

Grounded theory's basic tenet that theory can emerge from data has come under criticism on the grounds that it suggests that the theory is somehow inside the data, ready to come out and the researcher is either passive in the process or acts as a catalyst. In this way, it fails to take into account that researchers make decisions and use their judgment in the analysis process (Braun & Clarke 2006: 80), which was my experience in applying grounded theory.

As the fieldwork and analysis progressed, I drew selectively from grounded theory techniques. This is consistent with how they have been used in other studies (Kennedy & Lingard 2006). In the discussion later in this chapter I describe the methods I used at different stages of the research and note when I followed or departed from grounded theory techniques.

Ethical and practical considerations

Jacobsen and Landau (2003) argue that refugee research suffers from a lack of good research design and rigour. This is in part attributable to the fact that refugee studies are often undertaken by researchers who are also advocates with the potential for conflict between the demands of good scholarship and advocating for a marginalised group. The authors point out a number of pitfalls. First, there can be situations where the researcher assumes he or she knows what the study will reveal and uses the research to 'prove' their position (ibid: 187). In similar vein, there can be a tendency to accept unsubstantiated information when that supports the researcher's argument; the authors point to instances where advocates and others have referred to growing numbers of refugees despite

contrary statistics reported by UNHCR (ibid). They also refer to situations where researchers have become so closely involved with the refugee community they are studying, they compromise their objectivity (ibid: 192). Jacobsen and Landau argue that refugee research should adhere to the well-established methods and standards found in other areas of social research (ibid: 202).

Another area of concern in refugee research is that, as a group, refugees suffer high levels of trauma resulting from previous experiences and/or their current circumstances (Mackenzie et al 2007: 302). This is not to say that research involving refugees should not be undertaken but that researchers need to be sensitive to these issues. Dyregrov et al (2000) found that overall refugees experience the opportunity to express their feelings of grief and loss in a research setting as positive. As well as welcoming the chance to give voice to their feelings, they hoped that by participating in research, others would learn and understand more about the refugee experience, and this could benefit other people from refugee backgrounds. Another study found that therapeutic benefits can accrue when torture survivors are given the opportunity to speak about their experiences, and are heard and believed (Dignam 1992).

Davison (2007) points out that interviewing vulnerable and disempowered people can be challenging for researchers. They may find themselves facing ethical dilemmas they were unprepared for that require on the spot decisions, especially in fieldwork situations. They may also find themselves distressed by the stories and circumstances of the people they interview (ibid: 381). For the benefit of interview participants, and also the researcher, it

is critical that the researcher has appropriate skills and training. As Dyregrov et al explain;

To secure the possibility of beneficial effects of participating in such studies and minimizing the risk, researchers should have the appropriate human skills and training to conduct interviews with bereaved or traumatized populations in a sensitive and professional manner. These seemed to be important factors behind the participants' positive evaluation of taking part in the project (Dyregrov et al 2000: 423).

There is general consensus amongst researchers that refugees tend to be wary of being interviewed. They may be living in locales where their legal status is undetermined, making them vulnerable to authorities (Jacobsen & Landau 2003: 187). They may be fearful of their own and their families' physical safety. They may be cautious about revealing information that might prejudice applications to be recognised as a refugee or settled in another country. They may have been involved in situations or alliances that if known to their community could place them at considerable risk, or result in them being alienated within their community (ibid: 193). Complicating this, they may feel obligated to participate in studies or be concerned a refusal may place them at a disadvantage. They may harbour suspicions that the researcher has a hidden agenda, using the pretext of research to report back to authorities (Behnia 2004). All these and more were identified by participants in this study, most particularly by those in Indonesia who were in general

more vulnerable than the people interviewed in Perth for reasons explained in some detail in Chapter 8.

Leaning (2001) questions whether obtaining informed consent is possible when interviewing in refugee communities. Language, educational and cultural barriers can mean that study participants do not understand the context of the research. Participation can create physical risks particularly for refugees living in large-scale camps where rival political factions and intimidation can flourish (ibid: 1433). Mackenzie et al (2007) question the value of requiring participants to sign consent forms and how informed such consent might be in these circumstances. The forms, for example, often provide contact details in the event the participant has a complaint or concern about the research. Realistically these are of little use to a person living in a refugee camp if the contact point is in another country and speaks another language.

Language is at the centre of a range of concerns, ethical and practical, that arise when interviewing refugees as interpreters are often needed. Unless the researcher has a good grasp of the language being spoken, he or she can never be sure of the accuracy of the interpretation. There are, however, pointers such as the relevance of answers to questions and the time taken to interpret given the length of both questions and answers. Further, and vitally on ethical grounds, the interpreter becomes privy to personal information that could be used against the participant. In refugee camp situations, it is not uncommon for the services of bilingual refugees to be used.

In this study I interviewed refugees living in smaller communities without the tensions and dangers associated with the large camps (see Mackenzie et al 2007). Nevertheless, ethical issues did arise which will be discussed in greater detail later in this chapter.

Bloch (2004) notes that refugee research commonly rely upon personal contacts within refugee communities and organisations to access participants. These individuals and organisations are effectively gatekeepers and their cooperation can be critical to the research. In some types of study, reliance on a small number of key people to access participants can lead to skewed research; the researcher is unable to access a broad enough cross-section of the target group (Jacobsen & Landau 2003: 195). This is less of a concern in this study; with grounded theory participants are selected according to their knowledge of the area being studied rather than their representativeness of the community of which they are part.

Miller (2004: 220) points out that the researcher's ability to develop trust with respected members of the refugee community has a positive influence on how he or she is received by individuals within that community, and thus the capacity to secure participants. Trust takes time to establish. I was able to draw on personal links with key individuals built up over more than five years of working with refugees before embarking on this research. Without access to these networks, it is difficult to envisage how else I would have found participants for this study.

How the researched and researcher relate at a personal level is bound to affect the interview. But even when a good relationship is established, it would be naïve to assume that the interview participants will be totally forthcoming in what they reveal about themselves given their experiences and vulnerability to authority. It is equally unrealistic to expect that all can be revealed in a single interview with a stranger, especially with language barriers. However, this was never an expectation in my study. As stated at the beginning of this chapter, the aim of the interviews was that participants identify those issues they regarded as significant.

Overview of methods

In this section I provide an overview of the methods used in the study, arranged under the following sub-headings:

- Selecting the participant group
- Ethical and fieldwork approval
- Consent letter and form
- Interview schedule and diagram
- Accessing participants
- Overview of interviews – Perth and Indonesia
- The trial transcript
- Analysis and interpretation of the data
- Gathering secondary social and political material

Selecting the participant group

One of my first decisions made concerned the nationality of participants. The vast majority of the asylum seekers who arrived in Australia between 1999 and 2001 were Afghan, Iraqi and Iranian (Human Rights Watch 2002: 8). Although I could have drawn participants from all three nationalities, this would have presented logistical problems concerning language, translations and comparative analyses that would have deflected from the main purpose of the study. To ensure that the study was manageable within the constraints imposed by a doctoral thesis, I elected to focus on only one nationality.

In deciding which one, I first considered the size of each of these communities in Perth with regard to accessing participants. This effectively ruled out the Iranians, as very few who arrived in the relevant period have settled in Perth. I then weighed up other factors. Although I had contacts with both the Afghan and Iraqi communities, I had closer ties to the Iraqis. Further, as I had lived for a period of weeks with Iraqi refugees in Syria, I had a working familiarity with facets of their culture. I was also aware of other doctoral research involving Afghan refugees but none that involved the Iraqi refugee community.

A second important decision concerned my choice to conduct interviews in Indonesia as well as Perth. Of all the countries that the refugees travelled through, Indonesia seemed to be of particular significance. It was the embarkation point for the boats that brought the refugees to Australia, and the base of many people smuggling operations. I knew there were groups of Iraqi (and Afghan) refugees in Indonesia who had been stranded there since 2000 and 2001 when their attempts to reach Australia failed. I felt that going to

Indonesia to interview Iraqis who had been there for many years would enrich and broaden the study as it would produce complementary insights of two groups; namely, those who had successfully reached Australia and those whose attempts to do so had been thwarted. Further, at the time my study started little was known about the situation of the refugees in Indonesia even amongst the refugee advocacy movement in Australia.

Ethical and fieldwork approval

An application was made to the Human Research Ethics Committee at Murdoch University to conduct this study which was duly granted. As part of the application I provided a number of documents; a letter for applicants that explained the study; a consent form; an interview schedule; a diagram to be used as a prompt during interviews; and a letter to be sent to agencies and individuals explaining the study and asking for their assistance in accessing participants. These are described in the following pages¹³. In the application I outlined my experience working with refugees beginning with the time I was employed by ASeTTS, a Perth agency that provided counselling services and community development to torture and trauma survivors. I also provided the name of a well-qualified counsellor with experience working with refugees who had agreed to make himself available to Perth-based participants if they needed psychological support as a result of interviews.

Prior to going to Indonesia I was required to submit a Fieldwork Approval Form to my Head of School for approval as this was an international fieldtrip. Here, I provided details

¹³ The diagram is reproduced below while the letters, consent form and schedule are included in the appendix to this thesis.

of my travel and accommodation arrangements, a contact person in Indonesia and noted an agreement to text my supervisor each day before a certain time. I assessed this as a low-risk trip as I would be based in a resort area of Indonesia that, although popular with Indonesians, had few Western visitors. I also had a number of contacts in Indonesia who would assist me if needed. Approval was given without conditions.

Consent letter and form

The consent letter (Appendix B) sets out the areas likely to be canvassed during the interview and issues pertaining to confidentiality. It included an authorisation form for applicants to sign.

Both the consent letter and form were translated into Arabic (Appendix C). As the cost of using a paid translating service was prohibitive, I enlisted the help of an acquaintance bilingual in Arabic and English. Given the differences in vocabulary, grammar, structure and style, the translator used their language skills and cultural awareness to ensure the Arabic version was worded appropriately, rather than aim for literal translation. Two tertiary-educated Iraqis fluent in Arabic and English independently verified the accuracy of the Arabic version by confirming each of the points made in the English version was covered in the Arabic version, and that the tone and content was culturally appropriate. Although back-translation would have been preferable (that is, for the Arabic version to be translated back into English without reference to the original and then verified against the original), my bilingual contacts felt this would take much longer and were not willing

to do it. However, whereas back-translation is critical when wrong translation can have a bearing on the findings, it is less critical for purposes of a consent letter.

Interview schedule and diagram

I developed the interview schedule (Appendix D) within a grounded theory framework. At that stage my intention was to leave the early interviews open and simply invite participants to tell their stories, with later interviews targeted to themes arising from the first interviews. However, as the interviews progressed, I decided against selectively questioning participants for reasons given later in this chapter. In the end, therefore, all interviews were conducted in similar, open fashion. The schedule on which they were based listed possible topics for discussion rather than specific questions. These topics were as follows.

- Basic demographics: gender; age group; family; periods spent in detention; visa status.
- The reason for and timing of their decision to come to Australia (as opposed to another country).
- Their hopes for the outcome.
- Their experiences dealing with people smugglers.
- The nature of their daily life in Indonesia.
- Their knowledge of activities undertaken by Australian authorities in Indonesia to deter asylum seekers.
- The nature of the boat journey and whether it was as expected, better or worse.
- Their knowledge of mandatory detention and TPVs while overseas.

- Their current thoughts and feelings about the whole experience; whether their hopes and expectations had been realised; how they have coped; and what have they learnt.

Participants living in Australia were also asked about their experiences upon arrival in Australia.

I drew up a diagram (see Figure 1 below) to assist, or act as a prompt, during interviews. It illustrates the collectives with whom the Iraqi refugees had most direct contact during their journeys, and the various governments whose actions impacted upon them. It was translated into Arabic.

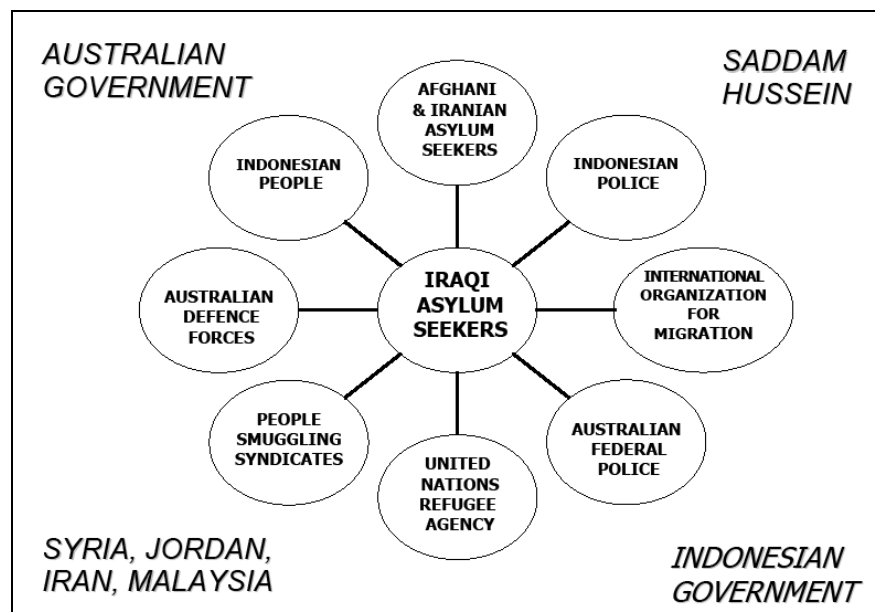


Figure 1: Diagram used during interviews.

I made use of this representation in the Perth interviews but decided against taking it into Indonesia in case my luggage was searched on entry to the country. Because of the

references to Indonesian authorities and people smugglers, the diagram had the potential to unnecessarily complicate matters.

Accessing participants

Perth

I enlisted the help of a number of agencies and individuals in accessing participants in Perth. To this end, I prepared a letter explaining the purpose of the research and the criteria to be met in suggesting participants (Appendix A). In it I specified that participants needed to have an adequate level of spoken English, should be able to talk about their journey to Australia without becoming unduly distressed and also noted that I would not be asking about experiences in Iraq. This letter was sent to five Perth agencies. They were;

- Centre for Advocacy, Support and Education for Refugees (CASE for Refugees).
- Southern Communities Advocacy Legal and Education Service (SCALES).
- Coalition for Asylum Seekers, Refugees and Detainees (CARAD) which provides welfare and practical support to refugees.
- The Edmund Rice Centre Mirrabooka which, like CARAD, provides general and varied support to refugees.
- ASeTTS which provides counselling and community development to people from a refugee background.

In addition, I wrote to four individuals who, having previously worked for at least one of the agencies, had good links to refugee communities.

Over 140 members of the Perth Iraqi refugee community were contacted by the agencies and individuals. More than one hundred were deemed unsuitable by agency workers based on their level of English, and of those with adequate English, two were unwilling to participate. This left me with thirty potential participants.

Difficulties soon surfaced. Through a personal contact, I heard that there were suspicions I might use the research to report back to the Australian government. Such suspicions need to be considered in the context of Iraq under Saddam's regime. Al Khafaji (1992: 16), for example, described an incident where an Iraqi woman posed as a nurse to infiltrate the Kurdish community in northern Iraq to gather information and recruit informers.

The same contact told me that in the planning stages of this study, three of his friends expressed interest in participating but later changed their minds. Their names, nevertheless, still appeared on the list of potential participants compiled by one of the agencies. The likelihood was that as the agency had assisted these men, they felt uncomfortable refusing any request from it. This highlights the very real problem arranging interviews with people who may feel under an obligation to assist and are uncomfortable refusing. I did not contact these men to arrange interviews.

I rang fifteen people to make appointments to meet. Of these, three said they would call me back but didn't. I decided not to follow up as I took this to indicate they did not want to participate: it was unlikely they had lost my number as I had rung them on mobile

phones which would have stored my phone number. Language proved to be a barrier with a fourth potential participant. Consequently I arranged eleven interviews in Perth. At three of these, both husband and wife participated so in total fourteen people were interviewed in Perth.

By the time I had interviewed eleven people, it seemed as though I was close to saturation point. That is, the more recent interviews were not introducing new areas of concern, even though each interview contained something unique that set it apart from the others. The impression was fully confirmed after the fourteenth interview, by which time I was satisfied that saturation point had been reached as no new themes were emerging and there was little to be gained by conducting further interviews.

Indonesia

The geographical distance between Perth and West Java, cultural differences, and the uncertain status of the Iraqis in Indonesia combined to make the securing of participants a sensitive and complex process. The steps and issues involved will be described later in some detail. To set the process in motion, I enlisted the assistance of an Iraqi in Perth with links to the Iraqis in Indonesia.

After many phone calls between him and his contacts, I talked directly with one of the Iraqi refugees in Indonesia who spoke good English. I shall refer to him as Sayed which is not his real name. After speaking to members of the Iraqi community in the region of Indonesia I planned to visit, Sayed confirmed he and other Iraqi refugees in Indonesia

were willing to be interviewed on the condition I first obtained permission from IOM.

This intergovernmental organisation was contracted by Australia's Immigration Department to manage refugees intercepted en route to Australia. Although they were not held in a locked facility and were at liberty to talk to whoever they chose, they did not want to do anything that might incur IOM's disapproval. This highlighted the vulnerability of the participants. Sayed also said bilingual Iraqis would interpret for non-English speaking participants.

I then emailed IOM in Jakarta with an outline of the study and received an immediate answer explaining the person responsible for this group of refugees was on leave but would deal with my request on his return. Having heard nothing one month later, I telephoned him at which point he informed me that IOM had no objections to the refugees being interviewed for this study, as long as they were not pressured into participating. He invited me to email him with any questions as he would be too busy to meet with me. I then phoned Sayed to let him know IOM's response and when I planned to arrive. He insisted on meeting me in at Jakarta airport which was about three hours travel time from where he lived. This was indicative of the courtesy extended to me by the refugees in Indonesia.

Sayed, who had previous experience of interpreting interviews, told that he had made a point of ensuring all the Iraqi refugees were made aware of my visit and had advised them they could participate if they wished. In this way, no-one was overlooked. It became clear to me when I was in Indonesia that he was well-regarded within the Iraqi

community, and as he was present at most of the interviews in his capacity as interpreter, this was critical. The success of the interviewing in Indonesia was largely due to his professionalism and organisational ability. I had agreed with him at the outset to reimburse him for any costs he incurred on my behalf and made an additional payment to him in recognition of his skill and the many hours he had spent assisting me. I was unsure whether this would be well-received or if he would find it insulting. As it transpired, he was extremely appreciative.

Overview of interviews – Perth and Indonesia

In many respects the methods used for the interviews in Perth and Indonesia were similar. I began by asking participants to read the Arabic version of the consent letter, which proved to be an invaluable resource. Without it, some of the points in the letter would have been difficult to convey to people who did not have good English and/or would have involved a lengthy exercise through an interpreter. The letter also ensured all participants had access to the same information about the interview process. Questions asked by participants relating to matters canvassed in the consent letter demonstrated that they understood what was involved.

After completing the formalities, which included explaining about the interview process, answering any questions the participants might have and obtaining their signatures on the consent form, I simply asked participants to tell me about their journeys. If they seemed unsure where to start, I prompted by asking when they left Iraq and which country they went to first. If and when these questions elicited brief answers, I would follow by asking

open questions, for example inquiring what their life was like in that country or what they did next. Almost all participants provided a chronological account of their journeys that gave a common structure to the interviews.

As discussed earlier, grounded theory posits that early interviews should be unstructured until central themes are identified, with subsequent interviews restricted and targeted to these themes and related issues. I did not adhere to this. Instead I allowed all participants to tell his or her story their own way. There were several reasons for this.

First and foremost, I felt it was disrespectful, insensitive and had the potential to cause distress if I stopped a participant's account and questioned selectively to suit my purposes. Second, given the gap of four months between the Perth and Indonesian interviews, and given the circumstances of the second grouping were so different from the first, I did not want to start from the assumption that what I identified as significant themes in the first set of interviews applied to the second. Third, the Indonesian interviews were conducted in an intense fashion over a few days and there was not the time to evaluate the content in a considered fashion to ascertain major themes during this period.

As previously noted, I stopped arranging interviews in Perth when saturation point had been reached; that is, interviews were not giving rise to new categories of information. Although each narrative was unique, the broad themes coming through them were essentially the same, revolving around the difficulties and insecurities they faced during

their journeys, their fear of being forced to return to Iraq, dealing with people smugglers, the dangers of the sea crossings and the distress caused by their treatment by the Australian authorities.

The situation in Indonesia was different given that interviews were conducted in an intensive manner over a few days. This allowed me to interview everyone who wanted to participate in the study.

I was aware from dealing with refugees in other circumstances that some participants might prefer not to be tape-recorded. I therefore decided against tape-recording any of the interviews. Instead I took detailed notes, the great majority of which are direct quotes. The interpreters and most of the English-speaking participants communicated with me in broken English using short phrases, and as such, they were easy to record accurately. When interviews were conducted through an interpreter, this provided more time to make notes. Where practical, I typed up my notes immediately after the interviews. If unable to do so, I reviewed them to ensure my writing was legible and add explanatory comments. In Indonesia, I stayed in a hotel and used their facilities to type up interviews. By the time I left the country, the task was complete.

In most cases participants recounted the events that took place and offered little by way of describing their feelings. Their accounts tended to be stark, matter of fact, in part due to basic English (as with some interviews in Perth) and conducting interviews through an interpreter (as in Indonesia). There were times when I asked questions hoping to elicit a

more in depth and nuanced response but found language to be too much of a barrier.

Nevertheless, the interviews provided rich and moving material.

Many who were interviewed referred to well-documented events in Iraq such as the 1991 uprisings (described in the next chapter). Their stories were consistent with one another and with other sources. One participant who spoke of being tortured showed me his scars. At least two participants made clear there were parts of their story they were not prepared to divulge. I did not ask them to explain why out of respect for their judgment and right to withhold.

During the interviews I gathered a considerable amount of personal information on each participant. This included their age, home town in Iraq, family grouping, medical conditions, professions, trades and businesses. At least two participants emphasised they did not want mention made of anything that could cause them to be identified. The Iraqi communities in Perth and Indonesia are relatively small and some of the personal data are unique enough to facilitate identification of participants. For this reason, throughout this thesis I have avoided providing precise demographics, specifying medical conditions, naming professions, or including any information that could lead to a participant being identified. When referring to individual participants and witnesses, pseudonyms have been used. In the case of participants, the pseudonyms are Iraqi names that are used for both men and women to obfuscate participants' gender and make it harder for them to be identified. The same degree of caution is not required for witnesses as they were identified during the trial.

Taken as a whole, the interviewing process was intense. It was impossible not to be moved when listening to the stories from the refugees, and being witness to their stoicism or distress. Images and emotions evoked by some of their narratives remained with me for weeks. With the Perth interviews, I spaced them out over a few weeks to reduce the impact. In Indonesia, this was not possible.

Perth interviews

In total, I interviewed 14 people in Perth over a period of two months. Interviews lasted between one and three hours. Apart from one interview held in a café, I met participants in their homes. In all cases I was made very welcome and refreshments were provided. Two of the participants prepared a meal for me. It was not unusual for the children to be present for all or part of the interviews. Children older than five or six had, of course, been with their parents on the journeys. In three interviews, husband and wife told their story together, finishing off each other's sentences. Wives who did not actively participate in interviews (through choice or because their English was inadequate) were present in the room or in an adjoining room. The single men invariably kept the doors of their units open.

Three interviews in particular are worth further comment as they illustrate some of the difficulties involved in conducting this type of research. The first interview involved a participant who I had met previously on many occasions. We had discussed the research and he seemed keen to participate. After arranging the interview, he called me back and expressed reservations based on fears that authorities might use his comments against

him. After discussing his concerns, we agreed to meet two days later and decide at that point whether or not to go ahead. By the next day, I regretted having made this arrangement, thinking that as he had expressed reluctance, it would have been more appropriate to simply cancel the interview. But I felt that to call him back and cancel had the potential to create unease whereas a face to face meeting would provide the opportunity to demonstrate I would not be upset if the interview did not happen. On the appointed day, I took the consent forms and notebook with me but kept them out of sight so as not to exert pressure. After an initial exchange of pleasantries, he asked to read the consent form, then indicated his willingness to proceed. I didn't discern any reluctance on his part. We have met a number of times since and he enquires in general terms how the research is going; his involvement in it does not appear to be of concern to him.

Another interview took place in the home of a man who, in common with most of the people I visited both in Australia and Indonesia, made me welcome. He made coffee and brought out biscuits and fruit. When we were both seated, he said his reason for agreeing to meet with me was he wanted to be helpful to students. Unfortunately, I did not fit with his idea of a student. I explained that it was not unusual for Australian postgraduate students to be decades older than undergraduates but he still appeared sceptical. He read the consent letter and asked a few questions about it and me but declined to sign. Nevertheless, he offered to tell me his story and gave me permission to take notes as he spoke. Although I knew I could not include his narrative in the study without the signed consent form, I felt it would be discourteous to refuse so continued on this basis. When he finished, he asked me, as did many of the participants, if I had heard of the boat that

sunk. I explained my involvement with a Canberra memorial service to remember the mainly-Iraqi victims of this tragedy¹⁴. After this conversation, which established we had mutual friends, he asked to see the consent form again and signed it.

During interviews I attempted to be alert to any signs that might indicate that the participant was becoming distressed with the intention of steering the conversation in a different direction if that occurred. I was not always successful. In one interview in which both husband and wife participated, the husband excused himself and left the room at the point they were talking about immigration detention centres. I would have assumed he had gone to the toilet if it were not for his wife telling me that whenever he thought about detention centres, he started to cry. She did not labour the point, simply mentioned it and resumed her narrative. There was very little I could do. By the time he returned a couple of minutes later, the conversation had moved on. There was nothing in his demeanour to indicate to me he had been crying. By now, the interview was naturally drawing to a close and we did not speak of anything else that might evoke painful memories.

In general terms, Perth participants spoke about their journeys to Australia in a matter of fact way. This can be attributed to a number of factors. First, they were recalling events from some years past. Second, they have been interviewed many times, by all or some of the following; UNHCR, Australian immigration officials, AFP officers, lawyers, journalists and counsellors. Some have testified in courts of law as witnesses in people

¹⁴ He was referring to the SIEV X refugee boat which sank with the loss of 353 lives. I had organised and participated in the making of 22 decorated poles to represent named victims at the memorial and arranged for two bereaved men, a lawyer well known to many of the Perth-based Iraqis, and myself to attend the memorial ceremony.

smuggling trials. However, as previously noted, on occasion there were memories that triggered stronger responses. While a small number expressed resentment towards the Australian government's treatment of them, others were more philosophical. At the time of the interviews, a few participants still had family reunion applications outstanding and/or were restricted in their ability to travel overseas¹⁵, which were a source of continuing distress and frustration.

I will return later in this chapter to the manner in which I analysed their accounts to discern themes. This task was aided by the similarities between the accounts, in particular how and why they made the journeys, their fears of being returned to Iraq and the dangers of the sea crossings. It is worthy of note that there were marked differences between the interviews conducted in Perth compared with those in Indonesia.

Indonesian interviews

Of the eight interviews in Indonesia, four were conducted in people's homes, one in a café, two in communal gardens and one in a television room used by the forty or so residents living in the same complex. In the three interviews conducted in communal areas, other people came and went, listened in and occasionally interjected¹⁶. Seven interviews were conducted primarily or solely with the individual who had signed the consent form. The exception occurred in one of the interviews taking place in a private

¹⁵ Refugees with permanent residence who are not yet Australian citizens can apply for a travel document in place of a passport. Some countries in Europe and the USA do not recognise such travel documents.

¹⁶ Jacobsen & Landau (2003) point out the risks of conducting research in group situations with refugees. Their concerns revolve around confidential information being inadvertently revealed. I did not see this to be an issue with the people I spoke with, who seemed unconcerned by the presence of others. Most of the interviews were about the boat journeys and being in Indonesia, experiences shared by all participants. They had been living with or close to each other for more than five years. I did not ask questions about their time in Iraq, which may have revealed allegiances or events best kept confidential.

home. Here, four people were present with one man making the largest contribution. A different man had signed the consent form on the group's behalf. He also interpreted for his companions.

In total, five interviews required an interpreter, Sayed interpreting for the other four. Without a working knowledge of Arabic, it was not possible for me to be sure of the quality of translation. However the responses as interpreted made sense given the questions I had asked, and at no time did the interpreter and participant appear to be engaging in a private conversation.

Prior to the interviews, my guide, interpreter, fixer - Sayed - would collect me from my hotel. On the first day, we had agreed to meet at 10 am. He texted me via his mobile phone at 9.15 am to say he was waiting in reception. We caught a local bus to one of the complexes which accommodated Iraqi refugees. A short walk from the main road led us up a path with a tennis court to the left and a grassed area to the right where table and chairs had been placed under the shade of a tree. Two men were sitting there. The villas ahead of us were painted cream, blue and green, a mix of single and double storey buildings, all in need of repair and fresh paint but not unpleasant to the eye. This complex housed about forty people, comprising family groups and single men.

It was the end of the rainy season, the foliage was lush and green, and the sky grey and overcast. Sayed suggested I took a seat with the two men while he went to inform others of my presence. I greeted the men with the traditional Arabic greeting of Salam Aleykum

meaning 'Peace be upon you' to which they responded and we shook hands. Other men joined us and Sayed made introductions. I passed around Arabic versions of the consent letter, thinking how inappropriate it was in this setting. If any of these men had a complaint about me, how could they make contact with the Ethics Committee or my supervisor in Perth, given the language and financial barriers? There was some discussion about the interviews, particularly whether they could jeopardise the men's cases for refugee assessment and settlement. Through Sayed, I explained that when I spoke with IOM, the only concern raised was that no-one would be pressured into participating. I also explained that I would be very careful when I came to write up the thesis not to provide information that might identify any individual. In addition, I told the men that there was no pressure from me to participate, it was totally up to them, but they would have to sign the consent letter if I was to use what they told me. However, given I cannot read Arabic, I would not have a clue what they wrote; they could write any name they liked or just put a cross.

After some procrastination and discussion between them, one of the men agreed to be interviewed. He said he would prefer that I asked specific questions. If he was comfortable with them, he would answer. Perhaps three of the men stayed for the duration of the interview; others came and went, and occasionally interjected. Towards the end of the interview one of the onlookers made a comment to which I responded. The main interviewee complained that I did not make clear I was asking a general question involving everyone and I should have done that. Although that was not quite my interpretation of what had just occurred, the fact that he was displeased indicated I had

not handled the situation well. I apologised to him, he admonished me a little more then announced all was well.

When the interview finished, I brought out some photos of myself from when I was in the Middle East wearing a hijab; playing with Iraqi children; sitting in a mosque; and smoking nargileh which is a water pipe used to smoke fruit flavoured tobacco. This lightened the atmosphere considerably.

Later in the day, Sayed took me to the location where the next interview was to take place, the communal television room. Three lounges were arranged in an L shape along two sides of a rectangular coffee table. Mobile phones, cigarettes and lighters were laid in a row. The room was smoky and humid. Sayed introduced me to the men watching television then left. The man to be interviewed was bilingual so Sayed's services as an interpreter were not required. As this interview was conducted completely in English, it was unlikely the other men present could understand what we were saying. At one point I realised Sayed was back in the room; I was so absorbed in the interview process I had not noticed him return. The humidity increased until it became almost unbearable, relief coming around midday when the rains started and the temperature dropped.

On the second day, Sayed took me to another villa complex used to accommodate refugees. The villas were arranged around three sides of a quadrangle with a grassed area between them, in the middle of which was a wooden gazebo needing repair. Initially, apart from Sayed and myself, there were three men present. They all read the consent

form and one agreed to be interviewed. As with the other interview that took place outside, other men came and went, to say hello, or listen in.

As previously mentioned, four of the interviews took place in people's homes. As we approached the homes, Sayed would ring to check they were ready for us. One time, he told me to go into the house while he stayed outside. Inside, the family was eating a meal and offered me fruit as they ate. After they had finished their meal, the woman put on her hijab and then her husband invited Sayed inside.

At the request of the participant, one of the interviews took place in the café of my hotel. This person, who spoke English well, wanted to talk to me privately. He began by talking in a measured and deliberate fashion about the refugees' situation in Indonesia, and spoke at length about the role and actions of IOM over a number of years. For these reasons, I got the impression that he, of all the participants in both Perth and Indonesia, had given the most thought to what he wanted to say. When he had finished talking about IOM, he then told me his own story and for this part of the interview, his style was conversational, similar to that of other participants.

The participants treated me with hospitality, usually offering me refreshments. In two of the homes, there were no chairs and we sat on cushions on the floor. In the gazebo, we also sat on the floor. I endeavoured to comply with etiquette by ensuring the soles of my feet were not pointing towards another person. When it was apparent I was having some

difficulty finding a comfortable position, my hosts communicated through sign language that I should not worry about where my feet were placed.

The main difference in the general tenor of the Indonesian interviews compared with those conducted in Perth was directly related to the circumstances of the participants. In Australia, participants were largely getting on with their lives and seeing movement and improvement, even though some still had visa and other issues to resolve. By contrast, participants in Indonesia had been in a limbo situation for many years with no clear end in sight. The Australian participants talked mainly about events that had happened some years previously; Indonesian participants struggled with their current situation. Many were clearly depressed and agitated.

Their worries were manifold. Some participants expressed concern that they might be misrepresented; that they were being used for no benefit to themselves; and that they might be identifiable. Some requested that I pass on particular messages to the Australian people and government. Others requested that I find out specific information for them. I attempted to be clear at all times in what I was and was not able to assist with. On returning to Australia, I took steps to find out the answers to questions they had asked, and emailed the responses to them. I also emailed the photos I had taken with their permission.

There was one occasion where I encountered direct hostility. This occurred when Sayed took me to a hotel to meet with six single men aged between 30 and 55 years. The

atmosphere was tense as they questioned me about what I was doing and why. They told me about a researcher who had interviewed them the previous year. This person had passed information to IOM and created problems for the Iraqis, despite giving assurances that what they said would remain confidential. After conversing with the men for a few minutes, I told them I didn't think going ahead with interviews was a good idea as I believed it would add to their stress and tension. They were clearly relieved by this, and the hostility dissipated somewhat. They then offered to talk in general terms, and gave me permission to write down their comments which I did.

I also spent some hours with the Iraqis in social settings. One family who did not want to be interviewed invited me to their home where we conversed for about an hour. Another person who had been present at an interview wanted to meet informally to ask me questions about Australia. I accepted invitations to four meals. These were opportunities to gain further insights which complemented the formal interviews.

Before describing how I analysed and interpreted the data from these and the Perth interviews, I turn to the second major source of data used in this study, the transcript of a people smuggling trial.

The trial transcript

In March 2006 in the Perth District Court, Keis Asfoor was found guilty of facilitating ten boatloads of Iraqi and Iranian refugees from Indonesia to Australia between March

1999 and September 2001¹⁷. During the course of the six-week trial, 36 Iraqi refugees were called to give evidence. They were questioned about why they left Iraq, which countries they first went to, why they moved on from those countries, how they procured visas and passports, how they made their way from the Middle East to Australia via south-east Asia, and how they transacted business with people smugglers in general and Keis Asfoor in particular. Interpreters were used during most of the testimony given by Iraqi witnesses.

I was sent the transcript, coincidentally, the month I began my doctoral studies. As its content related directly to this study, it seemed appropriate to use it as a secondary data source to illuminate and back up the interviews. The decision to use it was consistent with grounded theory's support for triangulation; that is, using different data sources in a study. In any event, its inclusion has strengthened my study as the witnesses' accounts are similar to those interviewed.

There is, however, an important distinction between the participants' interviews and the witnesses' testimonies. The former were telling their story in their own way whereas the witnesses were answering questions put to them by barristers whose purpose was to demonstrate the innocence or guilt of the defendant. The barristers often asked leading questions requiring a 'yes' or 'no' answer such as "You were born in Iraq, weren't you?" although at other points in the proceedings, witnesses were asked questions requiring fuller answers. Despite giving their accounts in very different circumstances, the

¹⁷ *The Queen and Keis Abd Rahim Asfoor* [2006] District Court of Western Australia.

evidence given by witnesses was consistent with participants' narratives, and has in fact provided some additional insights in two areas of concern. First, witnesses told of how and why they left Iraq, questions I did not put directly to participants although some did talk about it. Second, the witnesses were questioned extensively about their experiences dealing with people smugglers and as a result provided far more detail on this topic than emerged during interviews.

Analysis and interpretation of the data

The preliminary analysis and interpretation of the data started with the interviews.

Having typed up my handwritten notes, I immersed myself in the data, reading and re-reading the interview responses, noting anything that caught my interest on individual cards. If the same point was made by different participants, I marked the number of occurrences on the one card rather than write up a duplicate card. In this manner I ended up with 85 cards with direct quotes like 'If I'd known then what I know now', 'We risked so much. For what?' and 'Because we were stuck cannot help our families at home'. The cards also included my own observations; for example, 'civility despite their circumstances'. I read through the cards and allocated a theme to each, for example, 'hindsight', 'sense of helplessness, hopelessness', 'individual powerlessness' and 'civility'.

I did not analyse the trial transcript in similar fashion. Having obtained the transcript many months prior to conducting the interviews, I had a good sense of what the witnesses spoke about and was aware that, in giving their evidence, they provided chronological

accounts of their journeys. At a later stage, I studied the transcript in detail for any comments made by witnesses that gave further insight into or challenged the matters raised by participants, and included these in the overall analysis.

As a separate but related exercise, I considered those aspects of the journeys that were quantifiable, and for this purpose I did incorporate the witnesses' accounts. Amongst other things, I counted up how many participants and witnesses travelled through which countries; how many crossed from Malaysia to Indonesia by sea and how many by air; and how many travelled alone compared with those in family groups.

Returning to the interview data, once I had all the material collected, I sorted the cards into themes and subthemes. I mapped these onto butchers paper, then identified links between themes and subthemes. The result was visually chaotic as so much was inter-related and defied attempts to arrange the themes and subthemes into a neat hierarchical structure. Any one subtheme could be linked to other subthemes and/or placed under different overarching themes (which themselves could be both themes and subthemes). I did this exercise twice and the results were broadly similar.

There were some standout themes and these related to risk, danger, being at the mercy of authorities and fear. After deliberating over some months, I concluded that there was one overarching theme that best encapsulated issues of significance identified by participants, this being the insecurity and fear they felt at all stages of their journey. The companion to this was participants' quest to find security and safety.

Early on, two overlapping ways of organising this mass of material suggested themselves. First, as all the accounts were describing journeys which started from one place and ended up in or close to Australia, the *stages* of their journeys formed a possible way of structuring the analysis. Second, there were *experiences and/or issues* common to all, such as dealing with people smugglers, the fear of being returned to Iraq, and the dangers of undertaking such journeys particularly the sea crossings in unsafe wooden fishing boats.

The question of how to organise the material around the major stages and/or experiences while still being able to incorporate significant subthemes in a coherent fashion remained, however. Dealing with this was effectively trial and error, trying different approaches over a number of months and dropping them when it became apparent they were better placed in a different context. The framework upon which I eventually decided followed the stages of the journey as follows;

- Situation in Iraq under Saddam
- Countries of first asylum
- Transit countries
- The sea crossing
- Australia

A secondary but major theme was by now also apparent, arising from the intersection between participants and governments, the Australian government in particular. As part

of the general background to the study, in Chapter 2 I outlined the history of Australia's response to refugees. However, in analysing participants' accounts, it became evident that Australia's response warranted closer examination as it had a direct impact on the experiences of participants in Indonesia and on the high seas, as well as in Australia.

While a major concern for participants was their search for security and safety, the government frames its concerns about the arrival of refugee boats in terms of national and border security. Both then, in their different ways, identified 'security' as being central to their concerns. I then had to consider how best to provide some form of analysis or interpretation of these two different perspectives on security.

In the case of participants, it emerged strongly that the ongoing uncertainty, fear and lack of security they experienced over a long period had affected their psychological wellbeing and this forms the basis of the discussion in Chapter 11. With regard to government action and its emphasis on security it seemed to me, as discussed in the previous chapter, that drawing on sociological theories centred on risk would provide a means of explicating that action. These theories were discussed in detail in Chapter 3 where some linkages were made to the subject matter of this study. Further connections are noted in Chapter 5 on.

Gathering of secondary social and political material

During the course of interviews, participants made numerous references to aspects of Iraq's history, politics and social life, both positive and negative. This is understandable

given that this study is primarily about participants' journeys, and their journeys started in Iraq.

Many of the references would be unfamiliar to most people who do not come from that region. Therefore it seemed to me critical to gather background information on life in Iraq in the days of Saddam, to adequately appreciate participants' accounts and provide context for them. All participants lived through and were affected by events over which they had no control, some of which are of major historical significance. As the research progressed, I came to the view that the greater the awareness of what transpired in their homeland, the easier it was to comprehend why participants left and why they continued on their journeys.

For example, the fear of being deported back to Iraq was something frequently mentioned by participants, and also witnesses. It is hard to appreciate the depth of this fear without some insight into the situation for Iraqis who, under the Saddam regime, could attract the attention of the security forces by virtue of their job, or an action by a relative. This in turn called for an understanding of how the security forces operated. In this manner, the basic data, being narratives of participants plus witness testimony, directed the research. The additional material was not only useful in providing background and context, it also served to corroborate participants' accounts, adding to their reliability.

Participants also spoke about their personal experiences in Iran, Jordan, Syria, Malaysia and Indonesia. In similar vein, I felt that it was vital to give some insight into these

countries where participants stayed for varying lengths of time, particularly those aspects of the country that affected participants. Participants were most directly affected by how the governments of these countries responded to non-citizens.

In this manner - and consistent with a grounded theory framework - the gathering of further data and information, and the overall direction of the research, was guided by participants' accounts. While these remained central to the study, the additional secondary social and political material became a significant part of the thesis, as will be seen in the following chapters.

In gathering this additional material, I went first to academic sources. However, when trying to locate information about other countries, much of the published work on the Middle East is inaccessible to me as it is written in Arabic or in the case of Iran, where many participants lived at different times, in Farsi (Persian). I faced similar language barriers in trying to confirm, for example, visa conditions for Iraqi entrants to Malaysia in the period 1999 to 2001, and accessing some Indonesian sources. However with persistence I was able to find the information I sought that I could understand.

While I did locate some scholarly research about the Middle East region that was written in English, I have had to rely on other sources such as journalists who have lived and worked overseas and are acknowledged as having some expertise on a particular region.¹⁸

¹⁸ For example, English journalist and author Con Coughlin is considered to have expert knowledge on Middle Eastern affairs.

I have also sourced information from reports by human rights groups, such as Amnesty International and Human Rights Watch which are usually considered to be credible sources as they risk their reputations if their reports are inaccurate. I have also accessed online and hard copy publications by refugee organisations such as UNHCR and the US Committee for Refugees and Immigrants (USCRI). Both maintain historical country reports accessible through their websites which have been invaluable given the number of countries this thesis considers.

With regard to information concerning Australian policy towards refugees, I have had a wealth of documentation to choose from including academic research, reports that have been written as a consequence of formal inquiries initiated by government, media releases and statements from politicians, television documentaries and books. I have at all times endeavoured to use only reputable and reliable sources.

PART 2
CHAPTER 5
Prelude to a journey

For over twenty years the Iraqi population lived in fear of the excesses of Saddam's regime. As will be indicated in Chapter 6, almost all the participants and witnesses made the decision to leave Iraq after something happened that was a direct and immediate threat to their personal safety. Contrary to supposed 'Western wisdom', they had little or no choice.

Once out of Iraq, the dangers facing them did not end. Although relieved of some of the threats attendant on being at the regime's heartland, they remained plagued by fears and uncertainties concerning the future. Having arrived clandestinely or on false papers, they transited through and lived in countries where they had no legal entitlement. Participants and witnesses described how, as they travelled, they came into direct contact with, or sought to avoid, border guards, immigration officials and sundry authorities responsible for policing non-citizens. Without valid documentation, they were at risk of being detained. The thought of incarceration was daunting enough, but their greatest concern was that a period of detention would be followed by deportation back to Iraq. Their general sense of insecurity and vulnerability was heightened by the difficulties of managing day-to-day life in a foreign country without the right to work and without the support of family and friends. Here, and as their journey continued, they were effectively confined to the margins of society.

Their risk-taking combined with the ever-present fear of deportation produced pervasive feelings of personal insecurity and wariness towards authorities. Participants and witnesses made reference to the feelings of insecurity and dread that accompanied them for the entirety of the journey; the feelings may have changed form and intensity along the way but never left them. This is the theme that runs through this part of my thesis. Before embarking on the refugees' accounts, however, I offer a few words to set the historical and political context of the circumstance in which they found themselves.

As will be discussed later in the thesis, the countries of first asylum - Iran, Jordan and Syria - had historically accepted notions of asylum and hospitality for people in need. These, though, were largely eroded during the first half of the twentieth century after Arab countries and regions were incorporated into a world order of sovereign nation states with rigidly defined territorial boundaries. The defeat of the Ottoman Empire in the First World War allowed the British and French in particular to gain control over the Middle East. Political systems and rationalities that had developed over centuries in Europe were imposed on a region with a very different history and cultural mix. The new order took little account of local realities. Most telling is the fate of the non-Arab, non-Persian Kurdish people, spread across Iraq, Iran, Syria and Turkey who were denied their own state despite their ethnic differences from the majority population of their host countries (Owen 2004: 1-9).

Negotiations that occurred during and after the war resulted in a region made up of a medley of colonies, mandates, protectorates and a single condominium. Whatever name

was used, the new states were initially controlled by France and Britain. They set the borders, instituted legal systems, and introduced centralised administrations and national flags. Along with the USA, they were influential in decision-making related to the area's natural resources such as oil. They supported or installed kings or presidents who were not always well-received by the local populations (Owen 2004: 1-9).

Cementing the new geopolitical structuring, regional stability and internal security were high on the agenda. To this end, Britain and France spent two-thirds of their Middle East budget on security including border control (Owen 2004: 9-10). Directives from London and Paris therefore affected merchants and traders accustomed to unrestricted travel along centuries-old trade routes. They continued to pursue their livelihoods but were now recast as smugglers engaging in illegal cross-border activity (Icduygu & Toktas 2002: 36-37).

These attempts by Western governments to contain and manage regional stability can be interpreted as a measure of 'governance', as discussed in Chapter 3. Access to the Middle East, its trading routes and resources, and the securing of internal stability in the region, were considered to be vitally important to the prosperity and security of the nations such as Britain and France. The transformational and moral dimensions of their 'risk management' techniques were profound. At the same time, these strategies produced their own risks in precisely the manner posited by Beck (1992, 2000, 2002, 2006). Cross-border smuggling in the region became commonplace. It was often conducted as a family business, and considered to be as legitimate and reputable as other professions. The

Kurdish people smuggling networks, which assisted Iraqis escape their homeland in the 1990s, can be tracked back to the merchants and traders referred to above. These modern syndicates were instrumental in the flow of refugees from the Middle East region to the West (Icduygu & Toktas 2002: 36-37).

Later chapters will reveal the vital part played by people smugglers. Their syndicates were critical in helping participants and witnesses escape Iraq and obtain the papers necessary to gain entry to other countries in Asia. As Western countries erected more and more barriers to deter refugees from reaching their borders, the refugees were obliged to rely on the syndicates to reach their goal. Independent and unregulated, they offered a solution to the participants' and witnesses' predicament. Dealing with them in south-east Asia exposed the refugees to further risks, in particular the dangers of crossing the high seas in overcrowded wooden fishing boats.

The insecurity of refugees - non-citizens - has increased commensurately as nation states have asserted their sovereign right to institute stricter border controls. As Arendt (1967: 105) writes: 'The Rights of Man (sic), supposedly inalienable, proved to be unenforceable – even in countries whose constitutions were based upon them – whenever people appeared who were no longer citizens of any sovereign state.' And over the past decade, in an attempt to halt the onward movement of uninvited refugees, Western countries have sought to influence how other countries controlled their borders. In 2000 and 2001 Australia's Immigration Minister, Philip Ruddock travelled the globe visiting Europe, Jordan, Syria, Turkey, Iran, Pakistan, India, Malaysia, Thailand, Vietnam,

Indonesia, Thailand and Singapore to enlist cooperation in stopping refugee flows to Australia (York 2003: 94-100). Australian immigration officials were posted at airports in the main transit countries used by refugees en route to Australia. They conducted training courses for local officials in Iran, Jordan, Pakistan and Syria to improve their ability to spot false documents (Department of Immigration 2001). In such ways immigration officials and related authorities of non-liberal democracies have been effectively appropriated by liberal democracies to become part of Foucault's 'apparatuses of security' to shape the conduct of those perceived to be a threat to the integrity of borders of Western democracies.

This 'draining of rights' persists despite the Universal Declaration of Human Rights, which came into being in 1948 and is the foundation of international human rights law (United Nations 2007). It provides the base for UNHCR whose mandate is clear: 'to lead and co-ordinate international action to protect refugees and resolve refugee problems worldwide. Its primary purpose is to safeguard the rights and well-being of refugees' (UNHCR n.d. a). But UNHCR has no powers to enforce and can only elicit the cooperation of nation states. While it is true that states that have ratified the Refugee Convention are more likely to provide protection than those who have not, unless the Convention's tenets are enshrined in domestic legislation and reflected in actual policy and practice, refugees remain vulnerable and insecure (Taylor 2006: 292). In Beck and Sznaider's terms, we see here one of the major axes of conflict in a world risk society - namely a '*moral* interdependency crisis, which springs from the spread of the human rights regime' (Beck & Sznaider 2006: 11, their emphasis).

An additional problem is lack of resources. In 2009, with a budget of US\$1.8 billion, UNHCR estimated it needed US\$3.8 billion to do effective work, concluding that:

With a current operating budget that cannot support all needed interventions, UNHCR must make tough decisions on prioritising, to the detriment of those it is mandated to protect (UNHCR n.d. b).

UNHCR's reliance on funding from member states whose interests lie in controlling the movement of refugees can place it at odds with member states. Australia made its position clear in a 2001 statement appended to a media release:

*...the Government has pursued the reform of UNHCR and its controlling body the Executive Committee (ExCom). The primary aim of this reform has been to seek to make ExCom **more responsive to the needs of member states and more focused on responding to the challenges that irregular migration and people smuggling pose for the international system of protection** (Department of Immigration 2001, emphasis added).*

As well as attempting to suborn UNHCR to its national interests, Australia, in common with other Western countries, maintained that refugees were safe in the countries they travelled through - a position not embraced by UNHCR. In response to a decision made by Australia's Refugee Review Tribunal (RRT), UNHCR set out the minimum requirements that need to be in place for effective protection to be provided to refugees.

While there are no means by which UNHCR can impose these requirements on countries hosting refugees, they do provide a benchmark against which refugee safety and security can be assessed. These are:

There is no likelihood of persecution, of refoulement or of torture or other cruel and degrading treatment;

There is no other real risk to the life of the person[s] concerned;

There is a genuine prospect of an accessible durable solution in or from the asylum country, within a reasonable timeframe;

Pending a durable solution, stay is permitted under conditions which protect against arbitrary expulsion and deprivation of liberty and which provide for adequate and dignified means of subsistence;

The unity and integrity of the family is ensured;

The specific protection needs of the affected persons, including those deriving from age and gender, are able to be identified and respected (UNHCR 2004).

There are then four main actors – individual refugees, nation states, UNHCR and people smugglers – who intersect at various points throughout the participants’ and witnesses’ journeys. To nation states, the refugees constituted a threat to be managed and contained, or deported; to UNHCR, they were a group of people requiring protection; and to the smugglers they were a source of revenue¹⁹. Caught between these conflicting agendas, unable to return to Iraq, and insecure in other countries, the participants and witnesses continued their search for a country that would finally afford them safety and security.

¹⁹ As indicated in Chapter 9, some smugglers were motivated by humanitarian concerns also.

CHAPTER 6

Iraq

We need to look for a safe place, we know Iraq not safe (Baaha)

Introduction

Davenport et al (2003) note the scarcity of studies which analyse how and why refugees leave their countries of origin and attribute this to a prevailing view that the relationship between refugee flight and violence is straightforward. The authors also note the use of terms such as ‘forced migration’ implying coercion and lack of agency on the part of refugees (Davenport et al 2003: 29). This discounts the reality that, unless forcibly removed, refugees make conscious decisions to leave their countries of origin (Neumayer 2004: 5). It also fails to explain why, when large numbers of people are in similar circumstances, some flee while others stay to fight, or hide, or remain in the hope that their situation improves (Davenport et al 2003: 31).

In the present study, with its focus on refugees’ actual journeys to Australia, participants were not asked about how or why they left Iraq. However, some did make brief reference to the circumstances which led them to depart their homeland and their comments were augmented by testimony from trial witnesses. These accounts, even if brief, provide some insight into the relationship between refugee flight and violence, as well as the fear and insecurity faced by participants and witnesses whilst in Iraq, themes which are explored through this chapter.

These accounts are consistent with what is known about life under Saddam's Ba'athist regime. Given the dominance of Saddam in Iraqi politics since the late 1960s, many of the participants and witnesses would barely have remembered a time when he did not wield significant power. An appreciation of this period in Iraq's history is thus critical to contextualising individual stories. This chapter therefore begins with a brief history of modern Iraq and the means by which Saddam, who assumed the presidency of Iraq in 1979 after eleven years as deputy president, exerted control over the Iraqi population.

Saddam's rule can be broadly split into two phases, 1979 to 1989 and 1990 to 2003. The first phase was dominated by the Iran-Iraq war (1980 to 1988). The second began when Saddam ordered Iraqi troops to invade Kuwait, which led to more than a decade of trade and economic sanctions, and the first Gulf War. (The events of 2001 onwards are not addressed here as these occurred after participants and witnesses left their homeland.) I finish the section on Iraq's history by considering some aspects of Saddam's rule from a governmentality perspective.

The second part of this chapter turns to the accounts of participants and witnesses. Here I draw on writings from other narrative sources to further illuminate the relationship between violence and refugee flight. As previously noted, in this and subsequent chapters, participants and witnesses are referred to using pseudonyms.

Iraq under Saddam

How Saddam and the Ba'ath Party took control of Iraq

After the First World War and the break-up of the Ottoman Empire, the League of Nations gave the British the mandate over Mesopotamia, which was renamed Iraq after some adjustments to borders to suit colonial interests. Although the mandate formally ended in 1932, many Iraqis considered British involvement in their affairs to have finished only when the British-installed monarchy was overthrown in 1958, the year Saddam joined the Ba'ath party (Hiro 2002: 22-25).

Saddam was born in 1937 to an impoverished family living in a small village near Tikrit to the north of the Iraqi capital Baghdad. As a teenager he moved to Baghdad with his uncle, a political agitator who encouraged Saddam to participate in violent demonstrations and rallies against the government of the day (Coughlin 2002: 6-21). Saddam joined the fledgling Ba'ath party when he was twenty years old (Mackey 2002: 208).

The Arab Ba'ath Socialist Party, which was formed in 1954, was influenced by the beliefs of a small number of Arab intellectuals based in Damascus, Syria. They envisaged a renaissance of Arab culture, which predates Christianity and Islam, as a unifying principle for Arabs over and above tribal and religious affiliations. They believed that adherence to Arabism would resolve the schisms and conflicts within Islam and its various sects, and between Islam and Christianity (Mackey 2002: 186).

Ba'athists espoused secularism and preferred public ownership of natural resources and national infrastructure, the benefits of which would be shared by all. They stood for representative government and freedom of speech, as long as these did not detract from the concept of Arab nationalism (Hiro 2002: 53). The Ba'ath movement in the 1950s was active in a number of Arab countries. Over time, the movement splintered along national lines and each branch developed differently.

In 1958 Iraq's ruling monarchy was deposed after a bloody military coup. The following year Saddam was part of a Ba'ath hit squad that tried to assassinate the recently-installed military leader. Although unsuccessful, this event bolstered the reputation of both the Iraqi Ba'ath party and Saddam (Coughlin 2002: 36).

The government was overthrown in 1963 by an alliance between the Ba'ath party and disaffected Iraqi army officers who then entered into a power-sharing agreement. It was not long before the alliance began to fracture (Hiro 2002: 53). Ba'ath loyalists organised themselves into a militia which took to the streets, intimidating and arresting people who were then taken for interrogation and torture (Coughlin 2002: 45). Ba'ath leaders were rounded up and the military were again in control of Iraq (Mackey 2002: 193).

The Ba'ath party set about transforming itself in readiness for another opportunity to govern. The structure of the party, made up of cells, resembled an underground revolutionary movement more than a political party (Mackey 2002: 200). It was led by Ahmed al-Bakr, a relative of Saddam, who appointed the younger man as assistant

general secretary of the Ba'ath Party in 1966 (Hiro 2002: 56). With al-Bakr's patronage, Saddam's power and influence grew as he cemented his reputation as a ruthless and capable operator. He built the Ba'ath party's security forces and recruited men who were answerable and loyal to him (Mackey 2002: 201).

In 1968, Ahmed al-Bakr orchestrated a bloodless coup against Iraq's military leaders, after which he was appointed acting president and moved quickly to position Ba'athists as the leaders of the army, navy and military intelligence, and in so doing removed the military from political power (Mackey 2002: 200-201). Saddam was appointed as his deputy leader and over the next few years, the two men consolidated their position by eliminating any individual or group who threatened their power and installing relatives and friends to positions of authority²⁰.

Although al-Bakr was president, it was Saddam as his deputy who was primarily responsible in the 1970s for transforming Iraq from a predominantly agrarian country to an industrialised modern state (Coughlin 2002: 112). Having nationalised the oil industry, the government had access to the revenue from oil which increased from US\$1.8 billion in 1973 to US\$23.6 billion in 1978. Iraq was no longer dependent on taxes or foreign subsidies. The government embarked on a vast program of providing housing, electricity, roads, refrigerators, televisions, free healthcare, literacy and education services to the Iraqi population (Mackey 2002: 229).

²⁰ In 1972, al-Bakr decreed that Iraqi men should use only three personal names (their given name plus the names of their father and grandfather) and drop the final name which indicated their tribe or region, obfuscating the number of people in key positions who like al-Bakr and Saddam were aligned with the al-Tikriti tribe (Hiro 2002: xv).

In a country whose borders had been determined by Britain and her allies after the break up of the Ottoman Empire following the Great War of 1914-1918, Iraq was not homogenous. The main divisions were the Kurds in the north of the country, the minority Sunni who held most of the power and lived mostly in the central regions of Iraq, and the Shi'a in the south. During the 1970s Saddam implemented various strategies to create an Iraqi identity separate to that of other Arab countries to unite Iraqis regardless of ethnic or doctrinal differences. Children were schooled in the unique and ancient history of the land occupied by Iraq, that of Mesopotamia, rather than a more generalised appreciation of Arab culture and history (Mackey 2002: 230-1). The secular government allowed Iraqis to practise their religion, whether Sunni, Shi'a or Christian, at times providing generous funding to win support, but clamped down hard if suspicious that clerics were mobilising their followers into a political force (Mackey 2002: 249).

Particularly in the early days of the regime, Saddam and the Ba'ath party were popular amongst large sections of the population. They provided political stability after decades of unrest and periodic power grabs, and using oil revenues improved living standards, education and healthcare. These came at a price. The internal security services which Saddam headed operated throughout the country with bases in each town and city. They responded swiftly and brutally to any hint of dissension or opposition. Torture and terror were used indiscriminately (Coughlin 2002: 168). Anyone imprisoned for criminal or political reasons could expect to be tortured (Amnesty 1999, 2001). Those who were perceived to pose a threat to the power wielded by the Ba'ath government were driven out of the country or killed (Mackey 2002: 232).

In July 1979 Saddam announced that forces close to him were conspiring to take control of Iraq. Eleven days later, 21 senior and powerful figures, including the prime minister and chief of Saddam's own office, were accused of treason and executed. Al-Bakr, the president and mentor of Saddam, stepped down. Saddam became the president of Iraq and leader of the Ba'ath party. He ensured only those people loyal to him held positions of power throughout Iraq and so gained total control over the country. From this time on, Saddam and the Ba'ath party were synonymous (Mackey 2002: 231-4).

The 1980s and Iran-Iraq war

As a result of the reforms and modernisation driven by Saddam in his capacity as deputy president, Iraq in 1980 was very different from the Iraq of 1968 when the Ba'athists first came to power. During the 1980s, most Iraqis had access to cheap or free housing, education and medical services. They were also subjected to high levels of surveillance by authorities. Each major town had a garrison and checkpoints where travellers' identification papers were checked as they left or entered the town. The numerous intelligence and security agencies with overlapping responsibilities competed for influence and power; their officials well rewarded with luxurious accommodation and gifts. Ordinary people were coerced into spying and reporting upon one another. If an individual was suspected of disloyal behaviour, the extended family was punished (Al-Khafaji 1992: 16-18). With basic needs catered for, constant surveillance by authorities, and severe punishments for crime, the rates of theft, burglary and other such criminal activity were low. Yet an undercurrent of fear was ever-present as the security forces could detain and torture on the slightest pretext (Coughlin 2002: 167-169).

Iraq remained a largely secular society in which education was highly valued. Although personal standing was linked to the reputation of family and tribe, it was also possible to acquire status through one's qualifications and profession. Iraqi women fared better compared with women in neighbouring countries with regard to educational and professional opportunities, and forged careers in medicine and other fields. The Ba'athist regime introduced labour laws mandating equal pay for women and generous maternity leave (Lasky 2006). Bartram (1991: 96) reports that 40% of dentists, 25% of physicians and 10% of politicians in the National Assembly were female. The government also supported the visual arts with artists and sculptors enjoying both material support and freedom of expression rare in the Middle East (Bartram 1991: 97).

To ordinary Iraqis, Saddam was not a distant figure but someone whose omnipresence cast a shadow over their lives. His likeness was on display in most public areas throughout Iraq (Lenner 2007: 8). Stories about and references to Saddam dominated the government-controlled newspapers, television and radio stations on a daily basis, extolling the virtues and bravery of him and his cohorts (Kim & Hama-Saeed 2008: 578). The frequency with which he appeared on television gave rise to a joke about broken televisions; they can be mended by fixing a photo of Saddam to the screen (Baude 2003: 147). His tyrannical style was that of an authoritarian father; on the one hand ensuring that his family were provided with shelter and food; on the other, meting out harsh punishment to rebellious offspring, with the ultimate sanction being removal from the family. This occurred many times during the 1980s when more than half a million Shi'a

Muslims were expelled from Iraq on the pretext of supporting Iran (Human Rights Watch 2003: 3).

Antipathy between the Persian state and its Arab neighbour can be traced back centuries, attributable to ethnic and religious differences, and disputes over land and water (Coughlin 2002: 183). In the same year that Saddam ascended to the presidency of Iraq, Iran became an Islamic state when the secular monarchy was replaced by the ultra religionist Ayatollah Khomeini. Khomeini had lived in southern Iraq for fourteen years after being exiled from Iran. During this period, he gathered thousands of followers from Iraq's Shi'a population as he preached rebellion against the Iranian monarchy. Once he became the leader of Iran, Khomeini lambasted the secularist rule of the Ba'athist regime and called upon Iraqi Shi'a to rise up against Saddam. Saddam tried to win over his Shi'a population by donating large sums to mosques and shrines, and announcing a national holiday to remember Ali, an important figure in Shi'a lore (Mackey 2002: 248). When this failed, thousands of Iraqis were expelled from Iraq on the basis that they had Iranian antecedents and supported Iran (Al-Khafaji 1992: 18).

After a series of threats and insults were exchanged between Saddam and Khomeini, Saddam declared war in September 1980, believing the matter could be settled in a matter of weeks (Mackey 2002: 250-1). As well as dealing with the threat posed by Khomeini through his influence over Iraqi Shi'a, Saddam hoped that victory on the battlefield would result in a better deal for Iraq over the Shatt al Arab waterway which ran along the southern end of the Iran/Iraq border (Coughlin 2002: 177). Despite expectations, the war

dragged on. Iraq benefited from Western support, given to ensure oil supplies were not disrupted. The USA military provided intelligence, material and tactical support to Saddam. Eventually Khomeini was persuaded by his own advisers to agree to a UN Security Council resolution calling for a cease-fire. After eight years, the war finished with no clear winner (Coughlin 2002: 225).

Although the majority of the officer classes in the Iraqi army were Sunni, most of the ordinary soldiers were from the Shi'a cities of the south which bore the brunt of the conflict. Initially the war had little effect on daily life in central Baghdad as the capital was predominantly Sunni and far from the Iran-Iraq border where the fighting took place (Mackey 2002 252-253). Downtown Baghdad remained a popular place with its lively bars and nightclubs, and opulent hotels. Oil financed the early years of the war effort and provided enough capital to continue the investment in infrastructure across Iraq and the provision of services and goods to the population. Labour was brought in from poorer Arab countries, particularly Egypt, to replace the Iraqi men engaged in bloody and brutal skirmishes on the frontline (Coughlin 2002: 194).

Until 1982, Saddam toured the country to generate a sense of Iraqi nationalism and to unify Iraqis regardless of their religion and ethnic background. He visited mosques, churches, schools and farms in cities and small villages. He would dress the part, wearing academic hat and gown at Baghdad University and donning shepherd's traditional clothing in rural areas (Mackey 2002: 253). These visits signalled that all Iraqi citizens were of equal value to their leader, regardless of race, ethnicity or religion, reinforcing

the Ba'athist notion that Iraqis were special; they were 'the sons of the Tigris and Euphrates...of Adam's tree and Noah's ark...of the civilisation of Mesopotamia, which illuminated the world when the rest of mankind was living in darkness' (Mackey 2002: 252 citing Foreign Broadcast Information Service 1980).

With tens of thousands of men conscripted into the army, refusal to fight punishable by imprisonment or death, and a mounting death toll particularly amongst the Shi'a conscripts, disaffection with Saddam grew despite the generous compensation paid to bereaved families (Coughlin 2002: 194). After the second of two assassination attempts within a four month period, Saddam strengthened his personal bodyguard and expanded the security services (Hiro 2002: 60). After 1982, he was rarely seen on the streets mixing with ordinary people (Mackey 2002: 253).

The Ba'athist government also met resistance from Kurdish Iraqis. Unlike other Iraqis, the Kurds (who live in the north of Iraq) are not Arabs. There had been a long history of tension between them and whoever was in power in Baghdad as they were at best reluctant to recognise Iraqi sovereignty over Kurdish territory. In 1974, when Saddam was deputy president, the Kurdistan Autonomous Region (KAR) was established in northern Iraq with its own vice president and legislative council to grant a degree of autonomy to the Kurds in the hope of resolving the tensions. But the Kurdistan Democratic Party (KDP) was not satisfied with this arrangement, in part because the city of Kirkuk, with its large oil reserves, was not included in the KAR. This led to fighting between Iraqi government troops and the KDP that began in 1974 and lasted for a year.

Iran supported the KDP during this conflict. In return, when Iran and Iraq were at war, the Kurds assisted Iran take control of Iraqi border towns with significant Kurdish populations (Hiro 2002: 73-74). Saddam's response led to more than 4,000 Kurdish villages being destroyed by the Iraqi military between 1980 and 1988 with up to a million Kurds forced from their homes (Fawcett & Tanner 2002: 9).

This formed the backdrop to the infamous 1988 attack on Halabja. Halabja is a Kurdish town inside Iraq located 15 minutes from the Iranian border and close to a dam used to generate electricity for Baghdad. For this reason, it was particularly important to the Iraqi government that Halabja returned to Iraqi control. An airstrike unleashed chemicals which killed up to 5,000 civilians on 16 March 1988 after Iranian troops vacated the town (Hiro 2002: 74).

The 1990s, and international sanctions

Kuwait, a small but wealthy oil-producing country located to the south of Iraq, had two main grievances against Iraq. One concerned an unresolved border dispute; the other Iraq's failure to repay a loan made during the previous decade. To exert pressure on Iraq, Kuwait produced more than its agreed quota of oil which had the effect of bringing down the world price of oil at a time when Iraq desperately needed money. Saddam responded by invading Kuwait just two years after the end of the Iran-Iraq war (Hiro 2002: 33).

Until the Kuwaiti invasion, Saddam enjoyed the support of Western governments, particularly the USA. With the exception of condemning the practice of imprisoning and

torturing children to punish their parents, the West had largely overlooked the massacres, summary executions, arbitrary imprisonment, systemic torture and forced relocations used to terrorise the Iraqi population. Similar atrocities were visited upon the Kuwaiti people which demonstrated the brutality of Saddam's regime. Now with its own interests challenged, the West acted (Karaspan 1991: 36).

In 1990, the UN Security Council imposed trade and economic sanctions against Iraq, the stated purpose of which was to pressure Saddam to withdraw from Kuwait. Saddam did not retreat and in 1991 a coalition led by the USA attacked Iraq in what became known as the first Gulf War. After a devastating and demoralising defeat of the Iraqi army by coalition forces, the sanctions continued, justified as a means of forcing Saddam to comply with various UN demands. Saddam refused to co-operate and the sanctions continued. Weakened by years of war, Iraq's economy had no reserves to buffer it against their effect. The economy went into freefall. Unemployment rose and the buying power of the local currency dropped. Services which had been provided free by government such as school meals and public transport for school children were withdrawn (Hiro 2002: 5). In the words of one analyst, the sanctions transformed Iraq 'from a country of relative affluence to a country of massive poverty' (Alnasrawi 2001: 217).

Before the sanctions, Iraq imported over 70% of its food supplies (measured by calorie intake) (Alnasrawi 2001: 209). With this no longer possible, the Iraqi government introduced food rationing to ensure that each family had access to grain-based produce at least. Fresh meat, fruit and vegetables were in short supply and too expensive for many

families. Even the previously prosperous and growing middle-class struggled to survive. Professionals such as doctors were obliged to take second and third jobs to buy food. Pharmaceuticals were hard to obtain. An estimated 1.5 million people, including half a million children, died for want of food and medicine during the sanctions (ibid: 214). Literacy rates dropped as children who would otherwise have been at school were sent out to work or to beg to supplement the family income (Hiro 2002: 6). The imposition of sanctions also led to an increase in corruption and crime. The government responded through harsher penalties for offences such as theft. In 1994, Law 109 was introduced, proscribing amputation of the hand for the first offence and branding on the forehead for the second (Makiya 1998: ix).

Saddam continued his oppression of sections of the Iraqi population after the introduction of sanctions, most of which were lifted only after he was removed from power in 2003. The most significant challenge to his authority was in the wake of the first Gulf War in 1991. Then, in two separate spontaneous uprisings, one from the Kurdish Iraqis in the North and the other from mainly Shi'a Iraqis in the South, local people took control of their towns for a few short weeks, massacring government bureaucrats and Saddam loyalists. The uprisings were crushed with equal brutality by Saddam's forces, with thousands of the rebels killed, captured or forced to flee (Al-Jabar 1992). The reprisals continued long after the government troops had regained control (Human Rights Watch 1992: vii). The government justified its actions through the state-run media, claiming that the southern rebels had been taught to hate the Arab Nation; that they were

indistinguishable from their animals, and as they were inherently corrupt, they could not be true Arabs (Al-Khafaji 1992: 20).

In February 1999, a respected Shiite leader, the Ayatollah Muhammad Sadeq al-Sadr and his two sons were assassinated. Many Iraqis suspected the regime was responsible for these and the deaths of other prominent clerics. The killings sparked a wave of anti-government demonstrations across southern Iraq and led to violent clashes between the demonstrators and government forces, followed by the arbitrary arrest, torture and execution of those suspected of being involved in the demonstrations or related to the demonstrators (Human Rights Watch 2003: 4).

Political terror and refugee flows

Between 1980 and 2001, Iraq was positioned at levels 4 or 5 on the Political Terror Scale (PTS), a scale with a range of 1 to 5 (Gibney et al 2009a). The PTS was developed by a group of human rights researchers to rate countries according to levels of political violence and terror. It is worth noting that countries which score more than 3.5 generate 80% of the world's refugees (Apodaca 1998: 85). Figure 2 below outlines PTS levels.

Under Saddam's rule, there was a constant flow of refugees from Iraq. In addition to the hundreds of thousands who were deported, many more fled. The largest exoduses occurred in the wake of particular events such as the reprisals immediately following the 1991 uprisings. Although precise figures have been difficult to obtain, it is known for

example that more than a million Iraqis were estimated to have fled the country between 1991 and 1996 (USCRI 1997a).

<i>Level 1: Countries under a secure rule of law, people are not imprisoned for their view, and torture is rare or exceptional. Political murders are extremely rare.</i>
<i>Level 2: There is a limited amount of imprisonment for nonviolent political activity. However, few persons are affected, torture and beatings are exceptional. Political murder is rare.</i>
<i>Level 3: There is extensive political imprisonment, or a recent history of such imprisonment. Execution or other political murders and brutality may be common. Unlimited detention, with or without a trial, for political views is accepted.</i>
<i>Level 4: Civil and political rights violations have expanded to large numbers of the population. Murders, disappearances, and torture are a common part of life. In spite of its generality, on this level terror affects those who interest themselves in politics or ideas.</i>
<i>Level 5: Terror has expanded to the whole population. The leaders of these societies place no limits on the means or thoroughness with which they pursue personal or ideological goal.</i>

Figure 2: PTS levels²¹

Saddam and the Arab Ba'ath Socialist Party - reflections.

The earlier discussion of risk noted that political analysis using a governmentality approach takes more account of the policies and practices of a government rather than the label ascribed to it as focus on a label tends to limit analysis. Many of the actions of Saddam and his regime were consistent with socialist philosophy. When the oil revenues

²¹ Gibney et al 2009b

flowed in, the people benefited as schools, roads, houses and other amenities and services were provided free or at low cost. Yet Saddam's rule is usually, and understandably, described as being tyrannical, a dictatorship, authoritarian and/or totalitarian (Devlin 1991: 1406-1407; Joffe 2000).

Although Saddam used extreme violence to achieve his goals before and after he became president, it was not the only method he employed to encourage change in the behaviour and attitude of Iraqis. As noted, in the early days of his presidency, he tried to win over the religious Shi'a of the south by donating large sums of money to build mosques and praising their revered figures. He also attempted to instil a sense of unity across the disparate ethnic groups that make up Iraq through the creation of a national identity. To this end, he used the government-run media to proclaim the greatness of Iraqis, and the education system to influence young minds. He met with different sectors of the population, adopting language and dress to indicate he was one of them. Attempts were made to resolve differences with Kurds in the north of Iraq. When these measures failed to bring loyalty and support, as was evidenced by assassination attempts, he and the regime used violence and terror to control and punish the population.

Saddam had very real security threats to address, and from a number of fronts. He had taken leadership of a country with borders set by colonial powers with little regard taken of ethnic, tribal and cultural differences and allegiances which led to decades of instability and bloody coups. Ayatollah Khomeini, exiled from Iran for many years, set up a base in southern Iraq and had a huge following amongst Iraqis in that region. The

Ayatollah when he returned to Iran as its leader urged southern Iraqis to rise up against Saddam and the Ba'athists. Iran supported the Kurds in the north of the country against the Iraqi army. While some sectors of the population remained loyal to Saddam, opposition groups flourished. The instability of the years preceding his coming to power suggest the country may never have held together without a strong leader to crush dissent. Indeed his ability to do this was one reason he remained popular with sectors of the Iraqi population.

Saddam built around him a complex arrangement of security organisations that were encouraged to spy upon and be in competition with each other. He established his 'apparatus of security' in such a way that they monitored and influenced behaviour of other 'apparatus of security', all towards keeping himself and his power structures intact.

O'Malley (2002: 10) referred to strategies employed by liberal governments to exclude, confine and isolate categories of people who fail to respond to attempts to influence them to change behaviour. Saddam took this to the extreme by killing, imprisoning or deporting in large numbers those citizens he deemed to be a threat and disloyal. Yet despite his grip on power he considered it necessary to justify his government's actions. After violent reprisals were taken against southern Shi'a rebels, his government claimed the rebels were inherently corrupt and not true Arabs (Al-Khafaji 1992: 20).

While Saddam may have had cause to fear threats to his position, the measures he adopted to enhance his personal security, safety and power created significant danger and insecurity for ordinary Iraqis, whether or not they were directly involved in politics.

The present study: Participant and witness accounts

'A good life'

Of the 58 participants and witnesses whose narratives have contributed to this study, 51 were living in Iraq during the period of trade and economic sanctions. Despite the difficulties brought about by the sanctions, none of the participants or witnesses cited general hardship or poverty as reasons why they left their homeland. To the contrary, they spoke of the good lifestyle they enjoyed in Iraq and refuted any notion that they or other Iraqis left Iraq for economic reasons. As Nazek said, "Before <leaving Iraq>, good life." A few commented specifically on their standard of living so I could better appreciate what they had lost as refugees. About his home, Kefah said "Very big house in Baghdad ... good area very nice...comfortable, good life, lady come to help clean...In Iraq big rooms, here small rooms." Sabah also compared Australia with Iraq. "Iraqi people richer than Australian people, all Iraqis own house, car. Nobody poor in Iraq. Maybe in recent years, but not before. My friends in school, high school, uni, all rich." To emphasise this point, he explained how people who found refuge in Australia did so at the cost of both status and lifestyle. "Person had a gold shop in Iraq, now cleaner or sell pizza... wealthy successful business people in Iraq. In Australia, nothing, cleaner. Hard to do that, <but they> do it, forced to do it to live." Ethar expressed frustration at the general ignorance in Australia about Iraq and the assumptions people made about

refugees. “I don’t like seeing how refugees are portrayed as poor. Not poor, we have problems...They don’t understand the political problem...Iraq had TV before Australia.”

In contrast, the individual participants’ and witnesses’ accounts illustrate clearly that it was political terror that led them to leave their homeland. I begin with those who were forcibly expelled and for whom the terms ‘no choice’ and ‘forced migration’ can be applied in the most literal sense.

Forced to go

As noted earlier, more than half a million Iraqis were expelled from Iraq. A number of strategies were used by the government to enforce expulsion. The most benign was a visit from officials with a deportation order which gave a deadline by which people had to be out of the country. If they did not leave by that date, the officials would return to escort them to the border²². In other circumstances, people would lose rights they had previously enjoyed, such as land ownership, employment and access to educational and health services, forcing them to leave in order to survive. Another strategy employed by government was to requisition homes that were then made available to other families from elsewhere in Iraq. This was used in particular to ‘Arabise’ parts of Kurdish Iraq (Fawcett & Tanner 2002: 1).

In other situations, the military were employed to force people from their homes which were then bulldozed. This could happen without warning leading to large numbers of people fleeing the onslaught without their possessions. One of the most extreme

²² Information provided by an Iraqi who did not participate in the study.

examples of mass expulsion relates to the Marsh Arabs who lived in a wetland area in the south east of Iraq bordering Iran (Fawcett & Tanner 2002: 1). The marshlands were frequently used by rebel Shi'a Iraqis to hide from the intelligence networks. They were also used to smuggle people between Iran and Iraq, and to smuggle weapons into Iraq. For these reasons the Marsh Arabs were considered to be disloyal to the regime and in the 1990s their unique ecology was destroyed by draining the marshlands to drive them out (Al-Khafaji 1992).

Other minority groups such as the Feili²³ were also targeted. The Feili were of Kurdish origin but unlike other Kurds, followed Shi'a teachings and beliefs. They originated from an area that spanned both sides of the Iran/Iraq border (UNHCR 2008b). By the time Saddam came to power, many Feili had established themselves as prominent and wealthy citizens of Baghdad. Just prior to the war with Iran, Saddam summoned 480 of the richest men in Baghdad. One third of these were Feili who were arrested and with their families deported to Iran (Fawcett & Tanner 2002: 15).

One of the trial witnesses, Gabir, was Feili. He told how he, as a young child, and his parents were expelled from Iraq in 1980 because they were Kurdish Feili, and that this was a fate that befell many Feili at this time. Estimates of the numbers of deported Feili in this period range between 100,000 and 300,000 (Fawcett & Tanner 2002: 15).

The history behind other mass deportations dates back to the collapse of the Ottoman Empire in 1918 when residents of the newly-formed Iraq were required to identify

²³ Variouslly spelt Faili and Felli

themselves as either Ottoman or Persian which was recorded on their identification cards (Hiro 2002: 22). Sixty years later this information was used to justify deporting Iraqis whose parents or grandparents had asserted Iranian ancestry even though some had done so only to avoid military conscription (Fawcett & Tanner 2002: 15).

Returning to the present study, four of the participants were expelled from Iraq in the 1980s because of their Iranian ancestry. They and/or their parents had been born, educated and began their working lives in Iraq. They spoke of their expulsion with the same degree of stoicism that characterised much of their narrative; this was just another bad thing that happened to them in a long list of bad things over which they had no control. Regarded as Iranian by Iraq, and Iraqi by Iran, they were unwanted in both countries. Nazek's deportation marked the beginning of more than twenty years of insecurity, uncertainty and dislocation. He said, "Our difficulty start then...Deportation put pressure on us, depressed, feel low. They treat us like second class humans." Nuhaad expressed similar sentiments. "Iraq, we felt second class. Iran, same thought and treatment."

All four continued to identify themselves as Iraqi, even though the Iraqi authorities had stripped them of their national identity. As Taaseer explained, "No proper documents. When deported from Iraq, government took all our documents. All we have is marriage documents. No passport, no ID card." He showed me his marriage certificate even though he knew I could not read it as it was in Arabic. This was more than a piece of paper to be produced as evidence that he and his family had links to Iraq. In the absence of other

documents, it symbolised two things. First, even if his government denied it, he was Iraqi, and second, it represented the attempt by the state to reduce individuals like him to ‘nothings’ with no home, nationality or identity.

The dislocation experienced by those who have been deported from their homelands goes beyond the merely physical, the sense of which is captured in these words by Tasmina Nasreen, a Bengali doctor and feminist writer, who was expelled from Bengal because of her writings.

So long as I survive, I will carry within me the vistas of Bengal, her sunshine, her wet earth, her very essence. The same Bengal whose sanctuary I once walked many blood-soaked miles to reach has now turned its back upon me. I am a Bengali within and without; I live, breathe, and dream in Bengali. I find it hard to believe that I am no longer wanted in Bengal...I have lost my beloved Bengal. No child torn from its mother's breast could have suffered as much as I did during that painful parting...The pain is no less than the day I lost my biological mother (Nasreen 2008).

‘Choosing’ to leave

Many of the participants and witnesses alluded to the trauma they had faced in Iraq without going into detail. Anness talked briefly and freely about the period leading up to the events that caused him to leave but would not talk about the precipitating incidents and looked away as he said, “I felt a threat. I do not want to tell you.” In some cases

participants and witnesses emphasised that they had done nothing wrong. This did not protect them from the excesses of a regime that used terror to control its population. A witness, Faraj, testified that he left Iraq fearing execution at the hands of Iraqi intelligence forces even though he had done nothing that warranted such treatment.

The widespread use of arbitrary detention, torture and executions were not sufficient in themselves to induce participants and witnesses to leave Iraq. Their decisions to go were almost always made after specific events which affected them personally. These varied from person to person. Some left after a relative had been killed or after being released from prison while others remained in Iraq for years following such events and were prompted to leave for other reasons. Factors such as the degree of violence, the threat to personal integrity, individual thresholds, the strength of family ties and access to resources to enable flight all influenced their decision. Marfleet (2007a: 408) argues that refugees are reluctant to leave their homes and only do so when staying becomes 'unbearable' with the decision to leave being made as a consequence of the cumulative effect of pressures which take people beyond their capacity to cope.

Weinberg, a German Jew and holocaust survivor, in answering the question why people did not leave Nazi Germany before the holocaust, has provided some insight into these matters.

...we thought we would be able to endure the discrimination, the impoverishment, the threat to life and limb to some of us... we were still proud of and practicing our German heritage...to tear oneself up by the

roots and leave an environment that has been one's physical, cultural and emotional home perhaps for generations... An uprooting that is totally involuntary causes great pain... many of us feared the shock of being uprooted and tried to avoid it if at all possible... reaching the decision to emigrate was still an individual process; some arrived at it earlier, others later... individuals have different thresholds, even with regard to acting and reacting in the face of grave danger. Once the decision had been made, the urgency grew quickly, and the feeling was: the sooner the better (Weinberg 1982).

The accounts from two participants in the present study in particular illustrate the points made by Weinberg. They remained in Iraq for years after events sufficient to induce many others to leave. Both belonged to families that had opposed Saddam. Bahaa, despite being imprisoned, tortured and refused the opportunity to pursue his chosen career, stayed in Iraq. It was only after his involvement in the 1991 uprisings, which he believed would result in his death, that he decided to flee. In his words:

I grew up in a family, they were opposed to Saddam. Any child grow up in this family, he have same opinion. Saddam deal with all members of family even the children <the same>. For example, if I want to work in government offices, if one member of family in opposition, then regime not allow me to work for government.

I went to university, <obtained my> degree...After 2 days...I went to prison. Hard prison, family no idea where I am or what charge. No court, no lawyer, secret prison, very very secret. Seven months. During this time, electric shock, hitting with cable, pull out nails. Still no charge against me. Just a member of family opposed to Saddam. When out of prison after seven months, I have degree. I should start my life. I apply for government in appropriate job, teacher in school. They refuse me. They worry about people against regime would influence students. I was 24, time I would start my life. They offer one job, medical receptionist. Make appointments, take money. Not suited to me. I decide to work in my father's shop...Then my father die, so I got all the shop, to run the business. January 1991 is Gulf War. After this, Saddam seems to lose power....We feel free. All people know my family, come to my house, talk with me and my brothers to arrange things in the city...Then Saddam takes control...start to attack middle and south Iraq, where I live. We need to look for a safe place, we know Iraq not safe.

Charef's circumstances were similar in that he did his best to get on with his life after his family were targeted by the regime because a relative of theirs was involved in an assassination attempt on Saddam Hussein. Charef said that he had never been directly involved in politics or actively opposed the regime. He recounted the events that affected him as a younger man.

Lost my father, brother jailed for life, payback for what a cousin did – attempted assassinate Saddam in 1991. Some of tribe killed because related to that man, others jailed 5 to 10 years.

Over the next eight years, he “served the country, served in the army – did what a good citizen does.” Then for a reason unknown to him, his home was attacked.

Attacked by night. Not sure if they come to get me but can't ignore it... I left the house, didn't know where to go, just running. I got somewhere safe to stay for a short while. I can't even trust relatives, very cautious.

The decision to leave was not his alone. It was his family's assessment that it was now too dangerous for him to stay, coloured by their fear that he would suffer the fate of his father and brother. This would have been unbearable.

My family discussed what I should do. All decided I had to leave. My family couldn't stand to lose more. “Go, don't come back. At least you are alive. We can communicate.”

When I talked to Charef, he remained angry at the injustice and unfairness of what happened to him. He said;

Served the country, served in the army – did what a good citizen does. In the end wasted their youth, their life, then punished, disrespected, mistreated. Taken any time without notification to unknown places, executed without knowing reason...makes you very angry at government. I'd served army, country, done as required for Iraqi citizen.

It was not unusual to be treated harshly despite years of good service and loyalty to the government. In 1979 during the final days of al-Bakr's presidency, senior Ba'athists held a meeting during which it was decided al-Bakr would step down in favour of Saddam. One man, Muhie Abdul Hussein Mashhadi, protested the decision. Within days he was removed from office, interrogated and tortured, then given the option of denouncing other Ba'athists or watching his wife and daughters raped before he and his family were killed. Faced with these choices, Mashhadi provided a list of names which included all those who, like Mashhadi, did not want Saddam as president (Coughlin 2002: 155).

Similar methods to gather information and terrorise the Iraqi population continued under Saddam's rule with the recruitment and management of informants by each of the main intelligence agencies officially sanctioned by law. The networks of informants required to pass on information about relatives, neighbours and colleagues extended over most of Iraq. About one per cent of households were engaged in compiling detailed lists describing the activities of their neighbours, advising authorities of those homes which did not display a photo of Saddam, and reporting individuals who criticised the leader (Bartram 1991: 90). Standard forms were available to assess informants' performance.

One question read “Do we have written proof to frame him in case he reneges on cooperating with us?” (Al Khafaji 1992: 16).

While some informants were enticed by money, many were coerced into working for the state. Political prisoners were particularly susceptible after release from jail. Fearful of being returned on a pretext, many complied with the demands of the intelligence officers assigned to monitor them (Al Khafaji 1992: 16). Al-Khafaji chronicles the story of a newly-married woman whose rape by four security agents was videoed and used to blackmail her into working for them. She was sent to northern Iraq after the Kurdish uprising, posing as a nurse to gain trust and access information to feed back to the intelligence services. She was also expected to recruit other health workers as informants (ibid).

Refusal to co-operate almost certainly resulted in a prison term. A witness, Shakra, who had practised as a doctor in Iraq, told how he was jailed after resisting the demands of authorities to inform on his father-in-law, a cleric. When it was apparent that imprisonment, rather than being punishment for his refusal to cooperate, was part of a process to pressure him to capitulate he decided to leave Iraq.

A similar story was told by another witness, Faris, a former school teacher whose troubles began after he failed to vote in the elections. He told how he was then pressured by the head teacher to spy on colleagues and denounce any staff who criticised Saddam, the government or the Ba’ath party.

When questioned on the possible consequences of his refusal to co-operate, he testified that he would probably have been imprisoned, and it was this that prompted him to flee Iraq with his family. Like Shakra cited earlier, and many others in professional positions, he was aware that even if he was released from prison he would be unlikely to be able to continue in his chosen profession without harassment and that his family would also come under close scrutiny.

In another instance, a witness, Ameer, told how he was unable to come to terms with the compromises made by family members after his father was killed by the regime. As relatives of Saddam, the family had been in a fortunate position. He told the court of his belief that family members accepted his father's death because of the high income and privileges they enjoyed, but that he could not. Unlike Charef whose father had also been killed by the regime, Ameer's job and social milieu would have brought him into almost daily contact with those he suspected of being responsible for the death of his father. This for him was unbearable.

Finally, it should be noted that fleeing Iraq had implications for family members left behind. Bartram (1991) tells how the regime punished the family of a young man who left the country after receiving his call up papers for the military. Both his parents lost their government jobs and his brother, a doctor (whose profession would otherwise have exempted him from military service), had to join the army in his place (Bartram 1991: 92).

In this vein, a witness, Nassar, recounted how he and his wife had attracted the attention of the security forces because her brothers, who had left Iraq, were involved with political parties based overseas that opposed the regime. They were questioned about the brothers' whereabouts and activities, and he was imprisoned. Upon his release, they decided they, like the brothers, had to leave the country

Apart from those who were forcibly removed, all the participants and witnesses reached a point at which they believed they could no longer stay in Iraq. Although they may have made a conscious decision to go, their circumstances meant they had little choice and were now faced with working out where to go and how to get there. Under Saddam's rule, Iraqis wanting to travel abroad were required to obtain expensive exit visas and specific government authorisation. The authorities could also demand a bond repayable upon return. These costs placed foreign travel, even to neighbouring countries, beyond the reach of many. In addition, exit visas were routinely denied to persons of interest to the security forces and there were periods when certain sectors of the population were forbidden to travel abroad (US Department of State 1997). Hence most Iraqis who had made the decision to flee had little choice but to leave secretly. That often required the assistance of smugglers.

This trajectory is illustrated in the case of Khidir Hamza, a nuclear scientist who first tried to leave Iraq in 1979 after Saddam had imprisoned two of his senior colleagues. Khidir was refused an exit visa and placed under intense surveillance by security forces. As his skills were considered critical to progressing Saddam's agenda to build a nuclear

bomb, Khidir judged himself to be safe as long as he continued working on the project. By his own account, he planned his escape for years, accruing wealth and contacts. In 1994 he escaped Iraq through northern Kurdish Iraq with the aid of smugglers (Hamza 2000).

Sixteen of the 36 witnesses were asked questions during the trial concerning the means by which they left Iraq. Of these sixteen, twelve specifically mentioned using a people smuggler to get out of Iraq, another three said they used false passports and one explained that he paid a bribe to a government official to obtain a false passport. Shakra, the doctor, explained that generally doctors and other high-ranking people were not allowed to depart Iraq. Nassar, an inventor, and Ayad, a university lecturer, confirmed this when they told the court they were not allowed to leave the country because of their professions.

Participants' accounts were consistent with the witnesses' testimonies. Ethar mentioned using false identities to escape through northern Iraq to Iran while Safaa said "Father-in-law help me get out of country. Fake passport. Taxi driver helped me to get to Syria."

Participants and witnesses took enormous risks when leaving the country. They had to pass through numerous checkpoints while traversing Iraq and could not be sure that they would be allowed across the border of their destination country. In December 1998, for example, Jordan announced that its borders were closed to Iraqis (Jordan Times 1998).

Other reports indicated that Iraqi border guards were shooting at Iraqis, particularly deserting soldiers, after they crossed the border into Jordan (USCRI 1997a).

Khidir Hamza described the final stages of his escape from Iraq which he referred to as the most dangerous part of the journey (Hamza 2000). He wrote;

The roadblock with the Iraqi tricolor flag flying on a pole was ahead. It was an army post. Soldiers were everywhere. I took a deep breath.

As we pulled to a stop, a sergeant and two soldiers approached us...Our driver...got out of the truck, took the sergeant aside, and discreetly handed him two hundred dollars' worth of Iraqi dinars...we crept forward, our nerves jangling, perhaps even more so now that our freedom was so near.

Then, suddenly, the goal line was in sight. A huge valley spread out below us. Far below was a wide, shallow stream...We drove down the mountain, and in a short while we were finally there. The driver pulled to a stop at the water's edge and turned off the engine.

I opened the Toyota's creaky door and stepped slowly from the rusty cab. I walked forward to the water's edge, fell to my knees, and scooped up handfuls of water from the rippling stream. I splashed my face, neck, and arms. Never had water felt so fresh.

I'd made it.

Leaving Iraq was the first stage of the participants' and witnesses' journeys towards Australia. From Iraq they moved on to a country of first asylum; Iran, Jordan or Syria. The next chapter explores their situation in these countries, and considers their reasons for moving on.

CHAPTER 7

Countries of first asylum

They treat us like second class human (Nuhad)

Introduction

As Figure 3 shows, Iraq is bordered by Turkey to the north, Syria to the north-west, Jordan to the west, Saudi Arabia and Kuwait to the south and Iran to the east.



Figure 3: Map of Iraq and neighbouring countries²⁴

Iraqis who were expelled from or fled Iraq up to 2001 went mainly to Iran, Jordan and Syria. Just over half (30) of the participants and witnesses fled to Jordan, a third (19) either fled or were deported to Iran and almost a tenth (6) fled to Syria. Almost two-thirds (34) travelled with their spouse, children or siblings. The remainder travelled alone; either they were single men or planned for their wives and children to join them only after they had found a safe place.

²⁴ Figure 3 was sourced from the website of Central Intelligence Agency.
www.cia.gov/library/publications/the-world-factbook/geos/iz.html accessed 1 March 2007.

The main focus of this chapter is participants' and witnesses' experiences in the countries of first asylum and the insecurity they felt which compelled them to move on in a search for safety. It begins with a brief historical overview of Arabic and Islamic attitudes and practices related to granting asylum. It then considers the conditions for Iraqi refugees in the three countries of first asylum relevant to this study, drawing from the literature, participants' and witnesses' narratives and other firsthand accounts. Iraqi refugees in Jordan were the subject of extensive fieldwork conducted between 1999 and 2001 (Chatelard 2002) but there have been no equivalent studies in Iran or Syria for that period. As few participants and witnesses spent time in Syria, it has been particularly difficult to gather information or a clear sense of life in Syria for Iraqis for the period of this study, and the section on Syria is therefore less illuminating than the sections on Iran and Jordan.

Asylum and refugees in the Middle East

The historic notion of asylum and hospitality which would have afforded participants and witnesses some protection in a former period have, as previously mentioned, been eroded by the rise of national sovereignty and the incorporation of nation states in the world order. Accounts of these systems of rights and responsibilities are offered by writers such as Marfleet (2007b: 138) and Elmadmad (1991) who show that they were features of Judaic and Christian traditions which pre-date and influenced Islamic law and were bound up with the Arabic tradition of offering hospitality to strangers which also originated from a time before the advent of Islam.

In the harsh environment of nomadic Arab tribes, deserts were regarded as common land available to all regardless of which tribe controlled an area. The protection of strangers, al-Aman, was extended to families and tribes whose lives, possessions and honour would be defended if needed for up to one year, after which the strangers would move on or return home if unable or unwilling to be absorbed into the host community (Elmadmad 1991: 473).

Islamic doctrine adopted and developed Arab customs. According to a mix of Koranic writings, Islamic law and Islamic tradition, both those seeking asylum and those from whom asylum was sought, had rights and obligations. The specifics of these were debated by Muslim scholars and clerics over hundreds of years leading to different interpretations of the precise circumstances under which obligations exist. In broad terms, a Muslim was expected to seek protection if persecuted; an individual had the duty to provide that protection if requested by an asylum seeker; authorities - whether they were tribal chiefs or governments - should not oppose a person who provided asylum; and no-one should be returned to a place where they faced persecution, a principle similar to that of non-refoulement which is a core tenet of the 1951 Refugee Convention (Elmadmad 1991: 470-472).

Before the nation state system was imposed, territorial borders and boundaries were alien concepts to Arabs who were used to unrestricted travel through the region. The introduction of bounded states, seen as a reflection of Western thought rather than an

advancement arising naturally from within the Arab world²⁵ and its age-old traditions and values, was largely responsible for the erosion of these customary practices. The phenomenon of refugees as understood in the West therefore only made an appearance in the Middle East from the 1920s on. The often arbitrary placement of borders created tensions between the new countries on numerous grounds including water rights and oil; minority groups who saw themselves as homogenous now had different nationalities. Consistent with Beck's world risk theory (Beck 2006: 332), conflicts arising from such decisions remain unresolved decades later, leading to unintended and unforeseen consequences unbounded by time and place, their impact felt across the globe.

By the end of the 1940s almost all of the Middle Eastern states were legally independent of their former colonial or quasi-colonial masters (Owen 2004: 17). However, an undertaking made by the British during the First World War saw millions of Arab Palestinians forced from their homes in 1948 with the creation of the Jewish state of Israel. The Arab world put their numerous conflicts and antagonisms to one side to present a united front against this and the continued interference in Middle Eastern affairs by Western powers, leading to the formation of the Arab League²⁶. The purpose of the League is given in Article 2 of the League's pact. It stated:

The purpose of the League is to draw closer the relations between member

States and co-ordinate their political activities with the aim of realizing a close

²⁵ According to Elmadmad (1991: 462), the Arab world is made up of 21 states.

²⁶ By 1991 all of these 21 Arab states had joined the Arab League (ibid).

collaboration between them, to safeguard their independence and sovereignty, and to consider in a general way the affairs and interests of the Arab countries. It also has among its purposes a close co-operation of the member States with due regard to the structure of each of these States and the conditions prevailing therein, in the following matters:

- (a) Economic and financial matters, including trade, customs, currency, agriculture and industry;*
- (b) Communications, including railways, roads, aviation, navigation, and posts and telegraphs;*
- (c) Cultural matters;*
- (d) Matters connected with nationality, passports, visas, execution of judgments and extradition;*
- (e) Social welfare matters;*
- (f) Health matters. (MidEastWeb n.d.)*

Of particular note, the central concern of the pact was the independence and sovereignty of states rather than individual rights. Although the pact included an ‘Annex on Palestine’ no reference was made to the displaced Palestinians. By the 1940s then, the Middle East shared similarities with Western powers in that the foremost concern were the sovereign rights of the state rather than the rights of individuals.

The League did give some attention to individual rights. In 1952 it was agreed that Arabs who fled to neighbouring countries could not be extradited for political reasons unless

they had committed a criminal act against a ruling family or head of state. There were further initiatives that touched on asylum although these were not adopted. In 1971 a Charter for Human Rights was advanced which included a clause on asylum, and in 1988 the League instigated an Arab convention on asylum (Elmadmad 1991: 475-476). A Declaration on the Protection of Refugees and Displaced Persons in the Arab World was formulated in 1992 but Egypt was the only country to endorse it (Zaotti 2006: 336).

By 1990 nine Arab countries in the Middle East region had signed onto the Refugee Convention²⁷, although they have not integrated it into their domestic legislation. Other Middle Eastern countries have introduced laws regarding asylum, but not the attendant processes that would render them effective. As a consequence almost none of the region's refugees benefit from the few asylum laws that do exist. For example, Lebanese law provides for the granting of refugee status but it has been used only once since 1991 in the case of a Japanese citizen (Zaotti 2006: 334-339).

Since the 1990s border restrictions within the region were tightened as Arab states introduced visas and/or security clearances for nationals of particular countries. This was in response to the large numbers of refugees generated by the first Gulf War and the conflict in Sudan. In other words, at a time when people were fleeing their home countries in fear for their lives, some neighbouring states responded by making it harder for the refugees to enter. In common with the Western experience, the introduction of

²⁷ According to Elmadmad (1991: 466) these nine Arab countries were mainly African rather than Middle Eastern countries. Zaotti notes ten Middle Eastern signatories; Algeria, Djibouti, Egypt, Iran, Israel, Mauritania, Morocco, Sudan, Turkey and Yemen (Zaotti 2003: 336). This reflects differences in how countries in the region are grouped.

more restrictive border controls was followed by an increase in people smuggling. As in other parts of the world, there was a perception in the Middle East that the refugees posed a risk to the political and economic stability of individual states and the entire region (Zaotti 2006: 334-339).

Some countries, for example Syria and Iran, have usually allowed entry to those fleeing from nearby countries, consistent with the custom of extending hospitality to strangers while others made no distinction made between refugees and other visitors, granting them short-term temporary visas for a fixed period. A significant exception has been made for Palestinians, large numbers of whom have settled in Jordan, Syria and Lebanon (Zaotti 2006: 334-337).

Further parallels can be drawn between how Western and the Middle Eastern countries have responded to refugee crises. First, while recognising the need for solutions to refugee problems, states have been reluctant to commit to anything that affected their sovereign rights to control their borders. Second, the cause of the refugee flows has influenced the generosity of response, in part for the political statement that can be made. Western countries demonstrated this through their willingness to accept refugees from their Cold War enemies - communist countries - while Middle Eastern countries have been more accommodating of Palestinian refugees ejected from Israel than refugees from neighbouring Arab states.

The role of UNHCR expanded in response to the refugee flows that eventuated after the first Gulf War (1990-91). Regional governments accepted the practical assistance UNHCR was able to provide at this time, setting the scene for future cooperation and negotiation with the result that UNHCR has had some influence upon refugee policy in the Middle East while taking on some of the responsibilities associated with refugees that ideally would be shouldered by governments. The task of assessing refugee claims in the region has fallen to UNHCR rather than governments (Zaotti 2006: 341-346).

During the 1990s, with the exception of Iran, the states were not overly concerned about the problems created by refugee flows as they considered that UNHCR was dealing with them. The governments of the region had no commitment to, and little interest in, the welfare and wellbeing of refugees. They had other challenges to address and it suited them to leave the refugee problem with UNHCR and its limited resources (Zaotti 2006: 345). In effect, they 'contracted out' tasks associated with managing refugees to UNHCR. In this way, the states reduced their own responsibility and therefore risk in these matters, while maintaining some control by setting conditions under which UNHCR and related NGOs were expected to operate.

The rights of refugees are strongest when embedded in a wider system of democratic governance, both in the state in question and its neighbours. Legislating asylum rights has taken low priority in the Middle East region despite its long tradition of providing sanctuary and hospitality to strangers. The response by neighbouring countries to refugee

flows emanating from Saddam Hussein's Iraq has been variable, characterised by both generosity in the short term and failure to provide long term protection.

Countries of first asylum for participants and witnesses

Iran

Background

Iran, formerly Persia, is one of the oldest civilisations with unique culture, language and history that set it apart from its Arab neighbours. Iran remained an independent sovereign country during the centuries when most of the Arab world was under the governance of the Ottoman Empire, and the few years of quasi-colonial rule by Western countries. Apart from minority groups such as the Feili, who originate from border regions spanning two or more countries, citizens of Iran and neighbouring Arab countries are of different ethnicity. A Muslim country, 90% of Iran's population is Shi'a (Central Intelligence Agency 2008a).

Iran has a long history of generosity towards refugees, having signed the Refugee Convention in 1976. Since then Iran has hosted large numbers of refugees from Afghanistan, Iraq and other regional hotspots.

After the Russian invasion of Afghanistan in 1979, 2.6 million Afghans fled to Iran while hundreds of thousands of Iraqis were estimated to have entered Iran before and during the 1980-88 Iran-Iraq war. This was the time when Saddam expelled Iraqis with suspected Iranian ancestry, and those who were able to prove their Iranian links were granted

Iranian citizenship. Most of the Iraqi refugees were given green cards, which gave them the status of involuntary migrants rather than refugees. They had permission to stay in Iran for an indefinite period and had access to subsidised healthcare and food, and free primary and secondary education. Officially, they were not allowed to own businesses or be street vendors so could only be employed in low skilled manual work (Rajaei 2000: 55-56). However the Iranian authorities did not always enforce these regulations, enabling some Iraqis to obtaining better employment and run their own businesses (USCRI 1999a). Although it is not known how many, some Iraqi professionals were issued with white cards which recognised them as refugees rather than involuntary migrants and gave them further benefits; tax exemptions, fuller work rights and access to travel documents. Holders of white cards were, however, required to renew them every three months and notify authorities of changes in residence (USCRI 1999a).

The next major influx was 1.2 million Iraqis after the 1991 uprisings that occurred in the Kurdish region in the north of Iraq and in southern Iraq cities. By 1994, most of the Kurdish refugees had returned to northern Iraq, leaving about 595,000 Iraqi refugees in Iran. Five years later, this figure had dropped to 530,000 (Rajaei 2000: 45-51).

With each wave of refugees, Iran was better placed to respond having learnt from earlier experiences. Camps were constructed quickly to accept new arrivals, with the Iranian Red Crescent Society (equivalent to the West's Red Cross) becoming proficient in providing disaster relief (Rajaei 2000: 49-54).

Since the 1970s UNHCR has assisted the Iranian government in managing its refugee population. UNHCR provided financial aid to refugees living in refugee camps inside Iran but costs associated with hosting refugees living in urban areas including the provision of medical and educational services was borne almost entirely by Iran. By 1998 only 5% of both Afghan and Iraqi refugees were in the camps (Rajaei 2000: 59).

During the 1990s Iran was finding it increasingly difficult to manage the financial burden of hosting its large refugee populations. Iran's economy at this time was strained after the eight-year war with Iraq and, added to this, the general public had become less tolerant of the refugees amidst claims they competed with Iranians for jobs. The Iranian government appealed to the international community for assistance with its refugee problem. When that was not forthcoming, Iran's stance towards refugees hardened and it implemented measures to alleviate its burden (see Rajaei 2000).

Here was a situation where a government was generous in allowing refugees across its borders until such time that this began to create an unmanageable burden, and hence a risk to government as it faced mounting criticism from its citizens as well as financial strain. The Iranian government's response was also an acknowledgment that its priority was to its own citizens. This of course increased the insecurity for the refugees.

Iraqis who crossed the porous borders into Iran in the early 1990s found it harder to obtain the documentation that entitled them to live in Iran legally, and enjoy the associated benefits of work rights (although limited) and access to basic education for

their children. From 1994 health and education subsidies that had been available to green cardholders were withdrawn. In 1998 Iran announced it could no longer manage the economic burden of hosting nearly two million refugees, and embarked on a program encouraging Afghan and Iraqi refugees to either return home or be relocated within Iran to designated areas, with various restrictions attached. Afghans in particular were moved from urban centres to refugee camps where they became the responsibility of UNHCR rather than the government (Rajaei 2000: 59). The same year the authorities began enforcing the work restrictions attached to green cards. Iraqis who had been living legally in Iran since the 1980s and had been self-sufficient for many years lost their jobs and the means to support themselves (USCRI 1999a). They became as vulnerable as those who had arrived later and were living illegally in Iran.

While a small proportion of Iraqi refugees opted for voluntary repatriation, reports surfaced that others were forcibly returned to Iraq (USCRI 1999a). Iran's change in policy was undoubtedly a significant factor in the growth in numbers of Afghans and Iraqis seeking asylum in other countries from 1998 on (see Human Rights Watch 2002: 16).

Here again is an example of interference by Western governments in Middle Eastern affairs having wide-ranging effects decades later. Yet if in the 1990s Western powers had been more responsive to the appeals for assistance from Iran, then the refugee problem faced by Australia and other countries may not have arisen to the same extent.

Also of interest here is the way in which Iran moved against the refugees. There was no large-scale forcible removal such as employed by Iraq to rid itself of its unwanted residents. Rather, through a series of measures over a number of years, indirect pressure was placed on the refugees to go. One of the mechanisms employed by the Iranian government in attempting to 'govern' the problem was to fine employers who had illegal workers, thereby involving Iranian citizens in the policing of the refugees (USCRI 1999a).

For its part, UNHCR's primary role was to assist Iran in managing its refugee population rather than working directly with refugees. The main focus was on the largest group of refugees, the Afghans, with repatriation being high on the agenda. Although UNHCR had offices in eight Iranian cities, they were not necessarily accessible for the hundreds of thousands of Iraqi refugees. For example, the office in the Iranian capital of Tehran was located in a walled compound, a significant distance from the areas where Iraqi refugees lived. According to Human Rights Watch, one Iraqi woman went five times to the office, each time refused entry by the security guards who demanded to see her residence permit which she did not possess. The Tehran office received over 100 letters a day from refugees requesting assistance. Iraqis saw little point in attempting to register with UNHCR in Tehran as they knew of people who had been registered for years but received no benefit from it (Human Rights Watch 2002: 26-27).

Participant and witness accounts

For the participants and witnesses deported to Iran in the 1970s or 1980s, the hardship associated with being forced from their homeland was ameliorated by the generosity of the Iranian government in providing them with legal status and assistance in the form of food and education subsidies. They faced the challenges common to all migrants; finding a place to live, obtaining work and placing their children in school. They also had to master a different language, Farsi, and familiarise themselves with a different culture. According to Nazek, they simply did what they needed to do. “We adapt to new environment in Iran, we get jobs, but hard, we had no language first time.” Felak also arrived in this period. He started a business which he operated for many years, and so managed to support his family.

Although they were largely successful in establishing a life for themselves, the participants and witnesses who lived in Iran through the 1980s never felt completely at ease there. For Nuha, she and her family felt as if they were second-class citizens in both Iraq and Iran, not belonging properly to either country. Some Iraqis had assumed that as Shi’a Muslims, they would be made welcome in Iran, a country where 90% of the population was also Shi’a but found this not be the case. Mohammad told how there was no real freedom for him and his family as Iraqis in Iran even though they were Shi’a, and that this was a big disappointment for them.

Gabir arrived in Iran as a five year old, where he was schooled and soon became fluent in Farsi. Despite his acculturation into the Iranian way of life, by the time he came of age to

either work or study at the tertiary level, he found his options were limited because he was Iraqi. He was effectively barred from participating fully in Iranian society. This created a sense of being forever the outsider, of never quite belonging. He realised that he would always be considered a stranger.

The restrictions placed on tertiary education and employment were constant reminders to the Iraqis of their low-level status in Iran. These led to feelings of insecurity and vulnerability which were heightened by threats of being returned to Iraq, as experienced by Jamal. Even though he and his family were living legally in Iran, they were wary of the authorities who had the power to deport them, and never felt safe or secure during the years they resided in Iran.

Following the policy shifts that started in the early 1990s, participants and witnesses who arrived in that decade had even less certainty. Mohammad's family, for example, arrived in Iran in 1991 without documentation when Mohammad was eleven years old. He described the dilemma faced by his parents. They were fearful of approaching the Iranians for permission to stay in Iran as that would expose them to the possibility of being deported. But without that permission, they would continue to be at risk.

For Mohammad, this meant he was unable to attend state-run schools. Instead he received three years of education thanks to other Iraqi refugees who were trained teachers.

In another case, Bahaa had the contacts and resources to resolve problems he encountered. When he, his wife and child first arrived in Iran in 1991, they were detained. They escaped from detention and lived in the community illegally. Bahaa was affiliated with an Iraqi political party that had a base in Iran and tacit support from the Iranian government. This organisation arranged for him to be trained and the training led to a good job²⁸. Despite this, he and his family were still living illegally in Iran. He explained how he paid bribes to obtain residency for his daughter so she could attend school. “My daughter need school as she grows up; then I get asked about ID. In Iran, can do many things with money, so pay, and can get ID. I get residency for her. She can go to school.”

Other participants were not so well-connected and faced great hardship. Gadeer described his chronic uncertainty and fear, having lived for a year on the Iran/Iraq border evading authorities before he managed to enter Iran illegally. Once inside Iran, his situation scarcely improved. “No formal status for residence, no proper security... difficult, illegal working, black market.” In another instance, Aahad spent nine years in Iran without the right to work. “Iran, we cannot work, illegal to work.”

Participants and witnesses, as we have seen, frequently spoke about their fear of Iranian authorities. Malik spoke of being particularly vulnerable because he lacked proper documentation and this caused him problems in obtaining employment.

²⁸ The organisation and his job are not specified to protect his identity,

Their insecurities then operated on a number of levels. Some experienced difficulty finding work and the means to support themselves. All had to contend with living in a country where they were unwelcome. All were becoming increasingly wary of the authorities and their power to deport. Yet in recounting their experiences in Iran during the first half of the 1990s, none of the participants or witnesses indicated that at this time they considered seeking refuge elsewhere. Even though life was difficult for them, they worked around the obstacles they faced. However, this started to change after the authorities began taking away benefits previously enjoyed by green card holders, such as access to education for their children. Their insecurity and fear increased even more when the government started enforcing the work restrictions attached to green cards. The impact of this move can be seen through the example of Felak who, as previously noted, had supported his family for many years through the business he owned. With the new policy, he was forced to abandon it, and thus lost his livelihood. The government's intentions were made crystal clear in 1999 when, according to Aahad, it announced "Iraqis our guests but time for staying in Iran is over. Time to go back to their country."

After years of mounting uncertainty, the Iraqis were left with no option but to go. Felak said "We stay at home, how we eat, daughter school. We must leave." Almost all participants and witnesses who were in Iran around the same period voiced similar concerns. From Ethar, "Couldn't stay in Iran because no identity. We were scared, didn't want to go to jail." Nazek was also concerned. "We felt unsafe. Maybe we get deported to Iraq. So better we thought to shift to another country." Most tellingly, even Bahaa who was well-connected recognised that he and his family could no longer stay in Iran. "Early

1999, government start to deport Iraqi people if they catch them. Iran start to be unsafe for me.”

Jordan

Background

The forerunner of present-day Jordan was Transjordan, a province of Palestine under British mandate since 1920. Through a series of treaties and negotiations, Transjordan gained full independence from the British in 1946 at which time it was renamed as the Hashemite Kingdom of Jordan (King Hussein website n.d.). Since then the country has enjoyed relative political stability under King Hussein who reigned from 1953 to 1999 followed by his son King Abdallah II who assumed the throne after the death of his father. Although King Abdallah has since set in place measures to improve Jordan's economy, in the 1990s it was a poor country heavily reliant on aid from the international community and oil-rich Arab nations (Central Intelligence Agency 2008b).

Jordan has a base population of five million including 1.8 million Palestinians. In the immediate aftermath of the first Gulf War, about 600,000 people fled there from Iraq and Kuwait. A small but steady flow of Iraqis into Jordan continued during the 1990s and beyond. While some estimates suggest that about a million Iraqis arrived in Jordan between 1990 and 2001, the Iraqi population in Jordan has been estimated at between 50,000 and 300,000 as Jordan was used as a transit point; the majority of Iraqis moved on. In the early 1990s, it was not unusual for professional and skilled Iraqis with family connections overseas to be granted humanitarian visas through UNHCR and Western

embassies based in Jordan but this was not the case by the end of the decade (Chatelard 2002: 18).

Iraqis who entered Jordan legally were granted at maximum a three-month temporary visa which could be renewed only once and did not carry work rights. Once the visa expired, they became illegal aliens at risk of being returned to Iraq. Iraqis smuggled into Jordan on false or no papers ran the same risk of deportation if caught. They were also subject to fines of 1.5 Jordanian dinar per person per day for each day they were in Jordan illegally²⁹ (Chatelard 2002: 12).

Jordan has not signed onto the Refugee Convention, or introduced domestic legislation with regard to refugees, although it has allowed UNHCR to operate within its borders and assess refugee claims. UNHCR recognised Jordan's unique position in hosting such high numbers of refugees proportionate to its population, and the prioritisation by Jordan of the needs of Palestinian refugees over Iraqi refugees. Although some high profile Iraqi dissidents were welcomed in Jordan, that same welcome was not extended to the mass of Iraqis fleeing Saddam's Iraq. During the period relevant to this study, Jordan's cooperation with UNHCR was based on the expectation that Iraqis granted refugee status by UNHCR were resettled elsewhere within six months. Although granted temporary residence for this six-month period, registration with UNHCR in Jordan did not give the Iraqi refugees legal entitlement to work but did exempt them from fines for overstaying their entry visa (Chatelard 2002: 8-12). Jordan therefore positioned itself such that it

²⁹ The Jordanian dinar has been fixed against the US\$ for a number of years. One dinar is equivalent to US\$1.40. In 2002 the average wage in the capital Amman was 165 dinar a month, equivalent to 38 dinar a week (see Girgis 2002).

could provide immediate respite for refugees from Iraq, thereby fulfilling humanitarian obligations, whilst ensuring it did not risk becoming overburdened with a second substantial and permanent refugee population.

Jordan was a good base from which to arrange onward journeys for those who did not have proper documentation. The prerequisites for running people smuggling operations could be found in Jordan. These include foreign embassies, an international banking system, open borders with neighbouring countries, an international airport and good telecommunications facilities including facsimile machines, untapped telephones and the internet. The skills and technology to forge documentation were available, along with locals whose passports could be purchased or stolen, and the photograph changed.

Newly-arrived Iraqis in Jordan soon found out from other Iraqis where to go to obtain papers and access people smugglers. Travel agents, some bogus, openly advertised their ability to arrange visas and offered advice on travelling to Western countries (Chatelard 2002: 31).

Iraqis who fled to Jordan assumed they would be able to find work there if they needed it. However, they had little prior knowledge of life in Jordan as such information was hard for Iraqis to obtain in Saddam's Iraq where telephones were frequently tapped and internet access was unavailable to most of the population. With no postal service between the two countries, letters were carried by taxi drivers who crossed the borders regularly and legitimately but contained little information because of the risk of Iraqi authorities intercepting them (Chatelard 2002: 18).

Despite the lack of work rights, many Iraqi refugees did find employment in Jordan, mainly in unskilled positions such as cleaners or street vendors for the men, or as domestics or seamstresses for the women. As illegal workers, they were paid less than other workers and with no legal recourse, they were taken advantage of by unscrupulous employers (Chatelard 2002: 16). Iraqi refugee children were unable to attend school until 1998 when new regulations were introduced. However these required parents to produce certain documents which many did not have, so officially many Iraqi children still had no access to education. There were, though, indications that Jordanian authorities tended to overlook the illegal status of Iraqis, especially where families, women, children and the elderly were involved (Chatelard 2002: 12).

Iraqis who fled the Saddam regime faced another threat to their safety whilst in Jordan. Iraqi intelligence was known to be active there and operated out from the Iraqi embassy in the Jordanian capital of Amman (Chatelard 2002: 11). In the late 1990s, a number of Iraqis who had opposed Saddam were murdered in Jordan (Coughlin 2002: xxvii). One was gunned down in the street after visiting the USA Embassy in Amman (Hamza 2000). The presence of Iraqi agents prompted UNHCR to relocate after Iraqi embassy personnel rented a building close by from which they photographed people entering and exiting the UNHCR office in Amman (Jasmin 2000 cited in RRT 2000a).

Participant and witness accounts

Just over half (30) of the participants and witnesses lived in or transited through Jordan. Some had entered Jordan legally while others were in the country illegally having been

smuggled across the Iraqi-Jordanian border. The majority transited Jordan and left within days or weeks of their arrival. Only three stayed for an extended period. They had entered Jordan legally using valid Iraqi passports purchased at high cost inside Iraq but they became illegal after six months when their visas expired.

During the period they were in Jordan illegally, participants and witnesses were fearful of being apprehended by the authorities as this could lead to a term of imprisonment, followed by deportation back to Iraq. Nezal who lived there for five years described how this was a source of constant anxiety. “Suffered a lot in Jordan, like a prison, can’t return to Iraq, can’t stay in Jordan. If caught, deported Iraq, then killed. Always, thinking, thinking.” These words recall the dilemma faced by most refugees; that of being unsafe in their own country and unwelcome elsewhere. In addition, Nezal worried about the financial consequences of being apprehended without appropriate documents. “Jordan fine people one dinar per person per day for overstaying.”

The fear of being apprehended by Jordanian authorities was felt also by participants and witnesses in Jordan with valid visas because of the relationship between the Jordanian and Iraqi governments. As Jihad said “Iraq pressured Jordan to return people to Iraq...Jordanian government told not to help Iraqis.” Ameer, who was a relative of Saddam, was particularly concerned that Jordanian authorities would arrest him when he tried to leave their country and hand him back to Iraq. He enlisted the services of a people smuggler who made arrangements for him to leave Jordan safely. The smuggler told Ameer not to worry as he had contacts at the airport. However, Ameer, as he told the

court, did worry although as it transpired, unnecessarily. He recounted how he was directed to a high-ranking immigration official who, for a price, stamped his passport and let him proceed on his way.

In addition to fearing the Jordanian authorities, a third of participants and witnesses who had been in Jordan mentioned Iraqi intelligence. Even if they were in Jordan legally with valid visas, for as long as Saddam's men were present in Jordan, they could not feel safe. Unsure who might be intelligence agents, participants and witnesses were wary and mistrustful of fellow Iraqis, heightening their overall sense of insecurity. As Norres said "In Jordan afraid, similar to Iraq. Common to see Iraqi people, we don't know who is OK and who is intelligence." Even here, outside of Iraq, Norres felt vulnerable and unsafe, and at risk from the Saddam regime. Seven trial witnesses made similar claims, with two in particular fearing assassination if they were spotted by Iraqi intelligence in Jordan. Achmed told the court he and his family only stayed in Jordan for two to three days because he feared that Iraqi intelligence were there and that they would kill him and his family.

These participants and witnesses had the option to put their case to UNHCR. If successful there was the chance, however small, of being resettled elsewhere. However the fear of Iraqi intelligence acted as a disincentive to those who might otherwise have tried registering with UNHCR in Amman. They expressed concerns that UNHCR offices were obvious surveillance and infiltration targets. Nezal said "Amman, scared to go to UN in case have Saddam men there." For Faris, it was more than a fear that Iraqi

intelligence might be there. He was adamant that when he went to UNHCR in Amman he saw people he recognised who used to work in Basra as Iraqi security.

The reluctance to approach UNHCR was compounded by the concern that by doing so, one could be jeopardising the safety of families left behind in Iraq. Sabah explained why this was the case. “Iraqi intelligence officer working in UN office in Amman – so any Iraqis apply for asylum, at risk. So if you record with UN, your family at risk in Iraq.”

What emerges from this is a picture of the Iraqi refugees in Jordan afraid of local authorities, Iraqi intelligence and wary of other Iraqis whose allegiances were unknown. Most of the participants and witnesses did not stay long in Jordan, some for less than a week. The few who did stay longer had to deal with the uncertainty of how to support themselves when they were not allowed to work. One witness, Hussein, lived with his wife and children in Jordan illegally for five years during which time he found work in the illegal job market. Two participants who both had professional backgrounds lived in Jordan for a similar length of time. They were constantly anxious as they avoided authorities and worried about their children’s education and future.

There were then three main sources of fear and uncertainty for Iraqis in Jordan. The first was economic survival. Without work rights and limited access to education for their children, remaining in Jordan was simply not sustainable. If they had arrived with savings, these were soon depleted and without money other options were no longer available. The second was that once their status became one of illegality, they feared

deportation by local authorities as they had no right to stay in Jordan. Third, they were fearful of the presence in Jordan of Iraqi intelligence.

Syria

Background

Syria, like Jordan, came into being after the dissolution of the Ottoman Empire. It was governed by the French until gaining independence in 1946. After that it struggled for political stability until 1970 when Hafiz Al-Asad, a member of the Ba'ath party, gained control of the country. After he died in 2000 his son Bashar Al-Asad assumed the presidency (Central Intelligence Agency 2009a). Syria's extensive security apparatus exerts tight control over the country on behalf of the President and the Ba'ath Party.

Despite the prominence of the Ba'ath party in both Iraq and Syria, the two countries were mutually hostile for most of the period during which Saddam ruled Iraq because of differing philosophies and regional power struggles. This state of affairs was not helped when Syria supported Iran during the war with Iraq, and joined the US-led coalition against Iraq in the 1991 Gulf War (Devlin 1991). Relations showed signs of thawing in 1997 when Syria started to sell food to Iraq as permitted under the embargo. This was followed by a growth in bilateral trade and by February 2000 relations had improved enough for two Iraqi diplomats to be based in Damascus (Hemeid 2000). According to Syrian authorities, Iraqi intelligence was not active in Syria. They claimed that this could not happen without their knowledge and if it happened, Syrian authorities would not have tolerated it (RRT 2000a).

Syria allowed in-principle unrestricted entry and residence to Arab nationals between 1980 and 2001 although Iraqis were required to obtain security clearances from Syrian authorities before being allowed to enter the country (Zaotti 2006: 339). These were usually acquired with the help of relatives already in Syria or through affiliation with groups opposed to Saddam that had bases there (RRT 2000a³⁰). From June 2001, all non-Syrian Arabs who arrived in Syria were required to re-apply for residence permits every three months and Iraqis were no longer required to obtain security clearances (Zaotti 2006: 339). Those that arrived before June 2001 were deemed to be in Syria illegally if they had entered the country without clearance or had used false documents to get clearance.

UNHCR operated in Syria and, as was the case in Jordan, this came about mainly due to the large numbers of Palestinian refugees residing there. It - rather than the Syrian authorities - processed refugee claims. Iraqis who arrived in Syria immediately following the 1991 uprisings were granted refugee status en masse but 'a considerable number' of those who applied later for official refugee status were unsuccessful (RRT 2000a). There were an estimated 23,000 Iraqi nationals in Syria during 1999 who were not registered with UNHCR and about 3,000 who were registered or had cases pending. If registered they could receive financial aid (USCRI 2001).

³⁰ This RRT decision quotes from Country Information Reports provided by Australia's Department of Foreign Affairs and Trade. These reports include quotes from a Syrian immigration official and UNHCR personnel, and cite discussions between Australian and Canadian officials. The report references are: CX41994, Country Information Report No. 256/00 of 21 January 1998; CX31916, Country Information Report 349/98, 18 September 1998; CX42013, Country Information Report No. 261/00, 20 December 1999; CX39012, Country Information Report No. 447/99, 8 December 1999; CX40113, Country Information Report No. 76/00, 20 February 2000; CX41119 "Iraq question and answer period" 24 February 2000; CX41484, Country Information Report No. 192/00, 29 March 2000; CX43067, Country Information Report No. 353/00, 28 June 2000.

Although UNHCR had negotiated work rights for Palestinian refugees in Syria, this concession did not extend to Iraqis. A few well-connected Iraqis were able to acquire work permits which entitled them to find employment at a level consistent with their skills and training. For most Iraqis this was not an option. While many of them found work, their jobs were typically low-skilled and poorly paid, with Syrian authorities turning a blind eye to the illegal job market (RRT 2000a).

Arab nationals living in Syria legally were able to access healthcare and educational services. Enrolling their children in primary school was straightforward but for secondary education parents had to produce evidence of the child's previous schooling which effectively prevented Iraqi children attending secondary school unless they had attended primary school in Syria. As far as finding accommodation was concerned there were no barriers to renting although non-Syrian Arabs were not usually permitted to own property (RRT 2000a).

Syria's population was around sixteen million for the period relevant to this study (The World Bank n.d.). The relatively small number of Iraqi refugees did not pose a threat to local stability and Syria ensured it had the mechanisms to deal promptly with individuals who did not comply with regulations.

Under Syrian law a foreign national who committed an offence, however minor, was subject to deportation (USCRI 2003). Common offences included dealing in foreign currencies, attempting to cross the border into Lebanon, issuing bogus invitations so

relatives could visit Syria, and entering Syria illegally. Family and friends could contact UNHCR if a person was arrested by Syrian authorities. Usually UNHCR was able to interview the person and either negotiate successfully with Syrian authorities for their release or arrange for them to be resettled overseas. The leading figures of the Iraqi opposition groups would also intervene on occasion if members were at risk of deportation (RRT 2000a). Despite all this a number of Iraqis were deported to Iraq.

The difficulties facing Iraqis who had fled to Syria is evident in the assessment of USCRI (USCRI 1997b, 1998b, 1999b, 2000, 2001), which, for five consecutive years, reported that:

Conditions for refugees in Syria remain shrouded for several reasons: the lack of free speech, the absence of independent human rights monitoring organizations, a government-controlled press, and the intimidating presence of all-powerful state security forces and an omnipresent intelligence network.

It concluded:

Although Syria generally tolerates the presence of non-Palestinian refugees, it does not offer them the option of applying for permanent asylum. Thus, UNHCR pursues resettlement for those it recognizes as refugees in Syria (USCRI 2001).

Access to resettlement programs, however, was not an option for the thousands of Iraqis in Syria who were not recognised as refugees by UNHCR, leaving them particularly vulnerable.

Participants and witnesses accounts

Only six participants and witnesses stayed in or travelled through Syria and they said very little about this time. One witness, Faisal, when asked why he had to leave Syria, explained that he had entered the country illegally and never considered Syria to be a place he could stay for any length of time.

An Iraqi man³¹ who lived in Syria during 1998/9 considered that Syria was relatively safe for Iraqis at that time as long as they did not break Syrian law. Nevertheless, he was tormented by uncertainty about the future and said he never felt settled there. He found it difficult to find work that would provide enough money to house and feed his family adequately, and was concerned about his children's education. While his children could attend school at no cost, as a non-citizen he would have to pay for their further education which he believed would always be beyond his means. He found the gradual re-establishment of cordial relations between the Iraqi and Syrian governments to be worrying and like other Iraqis, he dismissed the claims of Syrian authorities that Iraqi intelligence was not active in Syria. He recounted two or three occasions when he was out and strangers called at his home and questioned his wife. She did not know who these men were or whether they represented Iraqi or Syrian authorities. He also said that in Syria he saw the man who tortured him when he was a political prisoner in an Iraqi jail.

³¹ Personal contact who was not a participant in this study.

Such incidents caused him and his family to feel vulnerable and unsafe in Syria even though, in his view, Syria was safer than Iran and Jordan. He had not, however, been to those countries, and relied on what he had heard about them in making that assessment.

Other Iraqis were also sure that Iraqi government agents operated in Syria. An Iraqi man applying for protection as a refugee in Australia submitted that he had first hand experience of them: “As for the presence of Iraqi intelligence in Syria, I heard and saw with my own eyes that agents were apprehended by the Syrian government” (RRT 2000b). Charef recounted that: “Iraqi intelligence used to be active in Damascus – can smell them.” Participants were equally distrustful of Syrian authorities given their possible links with Iraq. Saffa said “Still scared in Syria because both Iraq and Syria have Ba’ath party.” Charef was concerned what these links might mean. “Heard Iraqis handed back to Iraq from Syria.”

One man, as part of his application for protection as a refugee, submitted that to be safe in Syria one had to obtain the protection of influential opposition groups based in Syria: “There are Iraqi nationals who enjoy full rights and security in Syria because they are members of opposition groups and movements which support them fully” (RRT 2000b). In his case, he was not affiliated with these groups and lacked family support, leaving him feeling vulnerable and unsafe.

Despite the paucity of first-hand accounts from Iraqis living in Syria, a clear sense emerges of the uncertainty and concern for the future faced by Iraqis in that country. As

events transpired, their fears proved to be justified. From 2001 Syria instigated stricter visa and residence requirements. After the mass influx of Iraqis into Syria from 2003 and the strain this placed on the Syrian economy, the situation for Iraqis in Syria became more difficult and uncertain (Dorai 2007).

Moving on

The circumstances that led people to leave Iraq were in many respects more immediate and personally threatening than those they encountered in the countries of first asylum. Participants and witnesses, by their own accounts, had fundamental and life-threatening reasons to fear Iraqi authorities. While none claimed that they feared being killed by Iranian, Syrian or Jordanian authorities, the possibility of being returned to Iraq was a constant source of worry. In addition they struggled to survive in the countries of first asylum. For those in Jordan in particular, there was the distinct threat of the presence of Iraqi intelligence. In Syria the nascent rapprochement between it and Iraq increased the chance of Iraqi intelligence gaining a foothold in Syria.

Similar to the differences between neighbouring European countries, Iraq, Iran, Jordan and Syria each had a distinct history and culture. There were differences in each with regard to the freedom to dress according to personal choice and speak openly on political matters. The Iraqis had to adapt to their new countries, at distance from the familiar support of family and friends. At one level, they faced the same challenges as other new migrants, finding accommodation, jobs and schools, and locating themselves in an unfamiliar place. Unlike migrants, they were forced to leave their home through threats to

their lives, safety and freedom. Also unlike migrants, they feared for their person should they be compelled to return to their home country as well as fearing for the safety of those they left behind. Those that were illegal in the country they had moved to, faced a further layer of uncertainty and worry. Problems finding work and schools for their children were another source of anxiety. Additionally, in Jordan and Syria, there was the threat caused by the presence of Iraqi intelligence and consequently the fear of the allegiances of fellow Iraqis; who could they trust? Each of these factors alone was a significant cause of insecurity and uncertainty; together they combined to create a circumstance in which the Iraqis were unable to feel safe or secure. These were the reasons why Iraqis were unable to stay in the countries of first asylum and looked elsewhere for the refuge they craved.

CHAPTER 8

Transit countries

A bird in a beautiful cage is still in a cage (Gadeer)

Introduction

In this chapter I follow the journeys of participants and witnesses across south-east Asia, and show how their feelings of insecurity and uncertainty persisted. Like the great majority of refugees from the Middle East seeking asylum in Australia, 84% (49) of participants and trial witnesses went to Indonesia via Malaysia. Of the rest, eight flew to Indonesia direct from the Middle East and one man transited Taiwan. Figure 4 locates Malaysia and Indonesia in relation to Australia.



Figure 4: Map of Malaysia and Indonesia³²

Participants and witnesses made only passing reference to Malaysia in the interviews and during the trial, as they only stayed there for short periods, usually only a few days.

Hence the following section on Malaysia is relatively brief. Nevertheless it does illustrate the lack of options open to Iraqi refugees and the risks and uncertainties they faced

³² This map was sourced from Nations Online Project, http://www.nationsonline.org/oneworld/map_of_southeast_asia.htm accessed 2 March 2008.

during this stage of their journey – a topic relatively neglected in the general literature. In comparison there is considerably more information available on the situation for refugees in Indonesia as Indonesia has attracted considerable attention from academic researchers, human rights organisations and journalists. This reflects the facts that it is the country of embarkation to Australia, that refugees from the Middle East and Afghanistan spend far longer in Indonesia than Malaysia, and that most of the people smuggling operations of concern to Australia are based in Indonesia. All participants and witnesses spent some time in Indonesia. Eight participants were interviewed there, by which time they had been in Indonesia for more than six years. Their accounts were supplemented by conversations conducted outside of interviews. Together these warrant special consideration and this is reflected in this chapter.

Malaysia

Background

A number of former British colonies (Sarawak, Sabah, the Federation of Malaya and Singapore) were combined in 1963 to create Malaysia. Located to the north of Indonesia on two land masses separated by the South China Sea, Malaysia has a population of twenty five million people. The predominant religion is Islam (60%), followed by Buddhism (19%) and Christianity (9%). There is similar diversity of ethnicity with 50% of the population being Malay, 24% of Chinese origin, 11% Indigenous and 7% of Indian heritage. Constitutionally a monarchy, the king's role is largely ceremonial with political power vested in the ruling coalition. The dominant figure in Malaysian politics has been Mahathir bin Mohamad, who was Prime Minister between 1981 and 2003. Under his

leadership, Malaysia prospered with manufacturing and industry replacing what had been a mainly agrarian economy (Central Intelligence Agency 2009b). He was succeeded by Abdullah Ahmad Badawi who stood down in 2009 in favour of Najib Tun Razak (Andrha News 2009). The Malaysian government has been challenged by allegations of widespread corruption and cronyism, and the deep-seated grievances of the minority ethnic groups, particularly the Chinese, fuelled by discriminatory practices that favour Malays (Nathan 2001: 6-11)

Malaysia is generally welcoming to Arabs who are a target group for the country's tourist industry (Al-Hamarneh & Steiner 2004). During the period relevant to this study (1999 to 2001), most arrivals from the Middle East were issued three-month visas on arrival. Stricter entry rules applied to Iraqis who were granted only two week visas (Borneo Tour Specialists 2005). It is unlikely they were considered to be a particular problem by the Malaysian government given they were using the country as a staging post for Indonesia and generally left Malaysia before their visas expired. Australia was critical of Malaysia for its visa regime, arguing that Malaysia was contributing to the irregular movement of refugees by having relatively lax visa requirements for Arab nationals (USCRI 2002).

Yet Malaysia has a history of adopting harsh policies against those it deems to be in the country illegally. Foreign nationals are deemed to be illegal if they enter the country without permission or stay beyond the time permitted by their visa (Hedman 2008: 367). Malaysia has over a million migrant workers from Indonesia and other Asian countries, of whom about half are suspected of being there illegally (Human Rights Watch 2005).

The campaign against illegal immigrants is vigorously pursued by Malaysian authorities with over 300,000 arrested and deported in 1999 (Hedman 2008: 364). In addition to employing the state security apparatus to police them, and aligned to Foucaultian notions of surveillance and national security, the wider population is encouraged to locate and detain illegal immigrants as part of a broader moral imperative to protect the integrity of the Malaysian culture (Hedman 200: 381). In 2006, Ikatan Relawan Rakyat (Rela) or People's Volunteer Corps arrested over 25,000 undocumented non-citizens. Rela is effectively an unregulated vigilante group with official backing. Claims that its members have been responsible for deaths and assaults of illegal immigrants are downplayed by authorities (Hedman 2008: 372).

As a non-signatory to the Refugee Convention, Malaysia does not differentiate between illegal immigrants and refugees. In effect, this means that those considered refugees under the Convention have as few rights as those deemed to be illegal immigrants and can be detained indefinitely, fined, caned and deported (Hedman 2008: 368). In common with arrangements made with the governments of other countries without a refugee-determination process in place, UNHCR operates in Malaysia assessing asylum claims and negotiating with Malaysian authorities on behalf of refugees. Its ability to provide assistance has been hindered by regulations introduced in 2001 requiring it to obtain ministerial permission to visit immigration detainees (USCRI 2002). Its efficacy is also hampered by a lack of resources with one or two staff in Malaysia between 1999 and 2001 responsible for determining thousands of asylum claims (Human Rights Watch 2002: 34). Applicants could wait up to a year for a decision, which, even then, was no

guarantee of safety with numerous reports of refugees being swept up in Rela raids and subsequently deported (Hedman 2008: 372).

Malaysia's refugee population during the period of this study was estimated to be about 60,000, mainly Filipino Muslims living in the north-eastern area of the country since the 1970s. For many years they had passes stamped 'refugee' which were renewed annually until 2002 at which time the government announced the Filipinos could stay as long as they were employed. Their situation was ambivalent and uncertain. On the one hand they were without a clear legal status such as permanent residence and were subject to travel restrictions. On the other hand they had work rights, access to medical and social services, and their children were able to attend school. It was a different situation for the much smaller refugee populations from Myanmar-Burma (estimates vary between three thousand and ten thousand) and the Aceh province of neighbouring Indonesia (two thousand people). As undocumented and therefore illegal immigrants, if intercepted by authorities they were routinely deported (USCRI 2002).

The situation for Filipino Muslims in Malaysia provides a classic example of the difficulty faced by refugee populations when a host country fails to provide certainty through legal status; with the passage of time and change of government, what once seemed a safe haven is no longer so.

Personal accounts

Participants and witnesses said that although entering Malaysia was a relatively safe and reliable option, there was always an element of risk and uncertainty. This was heightened when their journeys intersected with authorities given that, unable to obtain passports in their homeland, they had acquired false papers in their country of first asylum. One of the Iraqi participants in Leach and Mansouri's (2004) study reported that Malaysian police watched the hotels where asylum seekers stayed. Another recounted she paid US\$300 to extend her family's visas for a further two weeks while she organised their onward journey, causing her to become "depressed and confused" (Leach & Mansouri 2004: 40-41).

The trial witnesses testified as to the reasons why they travelled via Malaysia. Achmed said that for Iraqis without pre-arranged visas, the only place they could go to was Malaysia. Faris expanded on this when he told how Malaysia grants Iraqis visas on arrival at the airport. They knew that staying in Malaysia on a permanent basis was not a viable option given that Iraqis were granted short term visas only. As Charef recounted "Malaysia almost impossible for Iraqis to stay there more than fifteen days." They were also aware that the government dealt harshly with visa overstayers and that their safety would be compromised if they did not comply with the conditions of their visas. "Once overstay, can be deported" said Sabah.³³

³³ A contact who did not participate in this study told me how he travelled from Syria to Malaysia with four other Iraqi men, only one of whom had a valid Iraqi passport - the others were using false papers. All five were detained in the airport upon arrival and questioned by police. The four with false passports were allowed to continue on their journeys, but the fifth man was refused. It is not known what happened to him.

Charef voiced his suspicions of the links the ruling regime had with Arab countries.

“Malaysia, modern country but old regime. Iraq, Malaysia, Indonesia – friendships <between them> which would affect people’s view.” He went on to say why Malaysia was not a safe country for him:

Reason not stay in Malaysia or Indonesia, all the same thing. No future there, unsafe. Can be kicked out any time, can be used in politics issues. People of these countries not treated fairly so why would I be.

As in the countries of first asylum, a recurrent source of anxiety was how to survive financially. As Hadeel said, “In Malaysia illegal, couldn’t work there.” Sabah held a similar view. “In Malaysia...even if can work, only for short time.” Finally, at this stage in their journey, participants and witnesses knew what they wanted. Hadeel summed it up. “Wanted asylum so Malaysia a transit country, cannot get asylum there.”

In brief, participants and witnesses did not view Malaysia as a country that would provide the safety and security they sought, and so made no attempt to stay there for more than a few days or weeks. They could only obtain short term visas, had no work rights and little opportunity to access UNHCR. They knew that Malaysia deported those deemed to be illegal immigrants and deportation to Iraq was what they feared the most. The reality of their situation at this stage in their journey was summarised succinctly by Bahaa. “I can stay in Malaysia two weeks on entry visa. What I do in the two weeks? People smugglers have the answer. ‘We send you to Indonesia’.”

Indonesia

Background

Indonesia is made up of over 17,000 islands of which 6,000 are inhabited. It is home to 240 million people and is the most populous Muslim nation. After gaining independence from the Dutch in 1949, Indonesia was governed by a succession of authoritarian leaders (Central Intelligence Agency 2009c). The resignation of President Suharto, a former army general who ruled from 1966 to 1998, heralded a series of reforms under a succession of presidents towards the liberalisation of Indonesian politics, decentralisation of administrative functions and democratic elections. As well as contending with widespread poverty, corruption and poor infrastructure across the islands, Indonesian authorities have had to address calls for independence from the populations of Papua, East Timor and Aceh which have seen bloody confrontations between local militia and the powerful Indonesian military (Sidel 2007: 1-2). The relationship between Indonesia and its closest southern neighbour, Australia, has been fragile and strained, with periods of cooperation interrupted by chilling of diplomatic relations, most noticeably with regard to Australia's support of East Timor at the time of its independence (Gyngell 2007: 97-116).

Between 1979 and 1996, Indonesia had hosted refugee camps on the island of Galang for Indochinese refugees awaiting resettlement. When these closed there were very few refugees in the country. By the end of 1997, there were an estimated 100 refugees, mainly from the Middle East region (USCRI 1998a). Between 1999 and 2001 about 13,000 refugees tried to reach Australia from Indonesia, indicating that at least this number had

spent some time in that country during that period. This increase in refugee numbers had little to do with internal Indonesia politics, being instead a consequence of ‘push’ factors in the Middle East region and growth in people smuggling activity in Indonesia. There is no data to suggest that the relatively small numbers of refugees who transited Indonesia en route to Australia were considered to be a major problem for Indonesia with its base population of 240 million and the other priorities it had to address. Indonesia, like Malaysia, is not a signatory to the Refugee Convention, and has not legislated to protect refugees.

However, the presence of growing numbers of refugees in Indonesia was of concern to Australia. From 1999 in particular, consecutive Australian governments construed the situation as a risk to national security and took action to prevent the refugees reaching Australian shores. As has been argued previously and will be shown in this and the next chapter, government actions directly affected the safety and security of the refugees. In 2001, the Liberal party claimed that:

The illegal movement of people poses a serious security and law enforcement challenge for Australia. People smuggling provides opportunities for the extension of international criminal activity, for the spread of terrorism, for the breakdown of law and order, and for the violation of laws which protect Australian health and security (Liberal Party of Australia 2001: 3).

In framing the issue in terms of risk, and in linking refugees to terrorism and the breakdown of law and order, the Australian government sought to justify its attempt to involve Indonesia and external agencies in efforts to stop refugees reaching Australia by boat. This extended to encouraging their detention in Indonesia.

The Coalition Government initiated arrangements in 1999 with Indonesia in the Regional Cooperation Agreement, under which people planning to travel illegally to Australia can be intercepted and detained by authorities in Indonesia, where their claims can be determined by the United Nations Human Rights Commission for Refugees (UNHCR). More than 3,700 people have been detained under this agreement...Discussions begun in 1999 on the funding of additional detention capacity in Indonesia will also continue (Liberal Party of Australia 2001: 19).

From December 1999 Australia funded IOM in Indonesia as part of its policy to prevent those seeking asylum making their way to Australia. IOM has been involved in the monitoring and surveillance of those suspected of planning to travel to Australia to seek asylum as well as providing them with medical services, food and shelter, and assistance to return to their country of origin (IOM 2008). UNHCR operates in Indonesia also but its presence does not equate to providing protection to the refugees as that requires legislation which is the responsibility of the state (UNHCR 2004).

Refugees in Indonesia are considered to be illegal immigrants if they do not have appropriate papers and if caught are detained by Indonesian authorities and face

deportation. According to one commentator, for the period relevant to this study Indonesia did not have the funds to finance deportations and refugees stayed in detention (Lindsey n.d.: 4). Generally, it was only intervention by UNHCR and subsequent registration with them that secured their release. As UNHCR resources were limited, refugees could be held for weeks in substandard accommodation before they were interviewed. UNHCR also processed applications from refugees who approached the agency directly rather than as a consequence of interception by Indonesian authorities. When refugee claims were denied, applicants would remain in detention until they left the country. An exception to this was made for hundreds of Middle Easterners, including Iraqis. After years of detention in secure facilities, they were moved to villas and hotels organised and overseen by IOM. Like those formally recognised as refugees by UNHCR in Jakarta they had no legal status in Indonesia and were not permitted to work. With few exceptions, their children were not able to attend schools (Human Rights Watch 2002).³⁴

In addition to the refugees who interacted with UNHCR and/or IOM, many others transited Indonesia without making contact with these agencies. Either they were kept hidden by their smugglers and had no such opportunity, or they were not interested in approaching UNHCR, having little faith in its ability to assist them as other refugees had been stranded in Indonesia for years (Human Rights Watch 2002: 38).

³⁴ The situation has since deteriorated in that even after being assessed by UNHCR as refugees, people remain in detention (Taylor 2009).

Personal accounts

In Indonesia participants and witnesses found themselves in a country with culture and language very different to their own. Some participants were reluctant to venture outside as their appearance and dress made them highly visible. They were fearful of being apprehended by authorities. This could lead to detention and deportation. Nezal was particularly frightened. “In Jakarta, ten days stayed in hotel room...scared and worried in Indonesia.” Nazek harboured similar fears. “Afraid, hiding, just waiting for people smuggler to tell us what to do. We are like sheep. Told go – we go. Told stay – we stay.” The threat to their safety was considerable, according to Sabah. “Indonesian authorities, immigration, if police arrest us, give us to immigration to deport...Married and kids, if man caught, Indonesian government make whole family leave country.”

The prospect of being returned to Iraq haunted participants and witnesses as they knew what had happened to those who had been forced to return. A witness, Husham, testified that he was aware of people who had been deported by Indonesian authorities to Middle Eastern countries including Iraq and who were subsequently executed.

In addition to worrying about being caught by authorities, participants struggled to survive financially, as Sabah recounted. “How to live in Indonesia when no job? If people could work in Indonesia, very different...How can get a job? No language.” Even those who brought sizeable amounts of money with them were concerned how they would manage the cost of hotels and food and make payments to smugglers for the next stage in their journey. Sabah explained. “For families very hard in Indonesia...Use up all their

money staying in Indonesia, get bankrupt...Even single men sometimes not enough to eat.” The reality was harsh, as Aahad found. “We sleep outside, very difficult, friends help. No money, sleep outside, never lived like this before.”

But always came the thought that they were heading for safety. The difficulties faced on their journeys were worth it if they could reach a place they could call home; away from fear of deportation, of Iraqi security, of jail and torture; a place where they could provide a future for their children. Some participants registered with UNHCR and waited to be resettled but nothing happened. “Stay in Indonesia - nothing, going nowhere...People stuck in Indonesia – afraid to go back – cannot go to the front. Stuck in the middle” said Sabah. This was alarming for new arrivals. “People who’d been Indonesia for four years – new arrivals see them, no hope,” he added.

Those recognised by UNHCR to be refugees were paid a small allowance – “UN assistance is \$US50 a month” according to Sabah – but their insecurities persisted. “Fear of deportation always there, even if with UN protection in Indonesia. Government can do anything” he said. Others did not bother to approach UNHCR because they thought it would be pointless. Ethar explained why she and her family distrusted UNHCR. “We assumed a negative response from them, didn’t approach them. We have a negative approach to authorities.”

The witness, Ameer, when giving evidence described his alarm at the presence of an Iraqi embassy in Jakarta. This signalled to him that Iraqi intelligence was probably active in

Indonesia. As a relative of Saddam Hussein, he feared that he would be recognised. He spoke of the isolation felt by someone in a strange country without family and friends. If he was killed, no-one would know he was missing.

Participants often described befriending other refugees, usually Iraqis, on the journey, which helped them feel more secure. Ethar said “Met other people, travel together...Iraqi family. So glad we met this family, so nice. We trusted them.” Anness had a similar experience. “Met two families in Malaysia, so travelled as about twelve people.” New friendships made coping with day to day tasks easier for Anness. “Some people come to same hotel...nice people...I stayed in contact with them. When nice people came to hotel, we went out together, markets, better for me.” The new friends were people with whom they shared language and culture, with similar reasons for leaving Iraq. These friendships both alleviated loneliness and isolation, and affirmed identity.

Indonesia – six years and counting

The participants I interviewed in Indonesia had been there for at least six years. They had all come to experience one of the greatest fears of all participants - that of being imprisoned. The following accounts describe two such experiences and their associated conditions. (There are a number of detention facilities across Indonesia of varying standards).

Immigration arrested family, 11 months in immigration detention. Arrested in hotel in Medan day I arrived...They treat us personally OK. Conditions of the

place – we come from different place, weather hard to adjust to. Medical and health problems. Place not hygienic. Many ill. Also we hope to get future and settle, so being in detention affect our psychology, especially our children. The detention centre far from UNHCR and IOM to follow up our cases; difficult for us (Kokeb).

Five months detention...nine police there watch us 24/7. To buy food, go to hospital, two police accompany you. 42 people held there...<Then> moved to Jakarta. Some kind of complex 200-300 people, very bad conditions. Four or five persons to a room. Family to a room. Check us all the time. No money, where can we go. They gave us a plate of food; breakfast, maybe tea and bread. People with money can get around, go out, but no money, nowhere to go...maybe 2-3 days notice of being moved. They keep us isolated (Anness).

Between 2005 and 2006, Iraqi and other refugees in Indonesia were relocated from immigration detention centres to better accommodation with greater freedom of movement and association. Anness doubted that concern for their welfare accounted for the change, believing instead it was simply to reduce pressure on the various authorities to find a permanent solution for them. (It has not been possible to find any official explanation or reference to the changes.)

If you complain, IOM prove asylum seekers have a good life. A house, sum of money, access to health. Our local Indonesian don't have such a good

life...2003/4 there were two or three people to a room. Only rice, soup... Why IOM change 2006/7? Each family in single house or villa, health program improve, maybe another message from Australia.

Despite these improved living conditions, participants still felt unsafe. They didn't know how long they would remain in Indonesia, under what conditions and what might happen next. This was accompanied by feelings of powerlessness. Unless they decided to return to Iraq, itself fraught with danger before and after the USA invasion of 2003, the decisions affecting their long term future were in the hands of UNCHR and the Australian and Indonesian governments. Control of their daily lives rested with these bodies and IOM.

Most of these participants were living in villa complexes in a residential area of Java. Two families had apartments within walking distance of the complexes and some single men were located in a nearby hotel. The villas and the hotel were paid for by IOM and the apartments paid for by the occupants with money they received from UNHCR. Even though they were living in the community and could travel freely in the local area, they had to obtain permission to travel further afield and were not permitted to work. The denial of work rights affected participants on many levels. With support from UNHCR and IOM they received enough money to buy the basics but little else. Although their accommodation was secure, they lived in poverty. The lack of work rights was particularly distressing to participants who had the skills and desire to work. "People like me want to work, now stuck. No job, no activity, no income" said Taeseer. The

professionals amongst them felt this keenly. Anness grieved for what his life could have been. After describing the obstacles he overcame to become qualified in his chosen profession, he said;

I want to live my professional life. I study hard, very hard... if refugee have a skill, a profession, to deprive him of this skill, after two to three years he's nothing. Six years here, to deprive me of work, in that time, developments, more information, more science. Six years evaporated.

They spoke constantly and consistently of wasted lives and lost opportunities. Single men mourned the passing of years during which in other circumstances they would have married and had children. Their concern was not just with the years that had passed but the consequences of these lost years upon their future. "I'm <getting old>, unmarried. Now what? Life wasted" said Hadeel. One man who was part of a group discussion was despairing. "I am over 40, can't work, no wife, what future." Kokeb recounted how they passed their time. "Sit around. Nothing to do. Sometimes exercise, play game, computer, read books. Killing time as life continues." Similar themes emerged from the group discussion. "Can't work. We use our days, read, exercise, learn skills, computer."

Their feelings had long since moved beyond frustration to overwhelming hopelessness and weariness. "People here, lives ruined, destroyed. Forgotten people" said Anness. They also worried about their families overseas who they were unable to help. "Our families in Iran, Iraq always contact us...we cannot help them. In this situation, cannot

help anyone” said Aahad. Messar was angry with how he and his family had been treated. “See how hard the life is. Mention that we get angry. Mention this. Tell the truth.” The standard of their accommodation and its location in a picturesque region of Indonesia was not enough to ameliorate the feelings of being trapped and powerless. As Gadeer said “A bird in a beautiful cage is still in a cage. We don’t know our future. I feel depression here. Can’t work, can’t travel, stuck here.”

Participants with families carried the burden of seeing their children suffer and voiced their concerns many times, in particular that their children were missing out on the educational and social benefits of attending school, which were highly valued by Iraqis for both genders. In Iraq girls would normally be allowed to make their own way to school and shops, and to visit friends and relatives, if living in a region where families felt safe and secure. This wasn’t the situation in Indonesia with the consequence that Iraqi girls were particularly disadvantaged. Kokeb had two children, both of whom had reached school age when they left the Middle East. After six years in Indonesia, he was anxious about their psychological health, particularly that of his daughter.

They are fine. But always thinking about future, what will happen. No education. They know they are different to other kids. Daughter especially, she is stuck here. She has tension, depression. Son can go outside. Daughter not allowed out, affecting her psychological health. She is always inside. She complains of psychological problem. If contact from family in Iraq, they ask ‘How is your

schooling?’ They cannot answer. They are shy, depressed. This example my family, other families the same.

He continued by making a request. “...government of Australia to help, not to help me as an old man, but to help my children, a future for all of us.”

Taeseer arranged for his young daughter to attend a local school but was disappointed by it for a number of reasons.

Local school not proper, enrol her one month, not a proper school. Not proper education, not proper ethics <standard>. Total time less than one hour a day. Kids not educated. Language problem. We hope an English speaking school, rather than Indonesian. And have to pay US\$30 a month, big money for us. Always asking for more money. Here we have no income.

At various times, participants singly or in groups organised classes to pass on their skills. “Informal system set up through asylum seekers. Sometimes at home, we teach them” said Taeseer. “Between friends some have computer skills, English, Arab literature. We teach each other, this mainly in relation to kids. But no formal schools” Kokeb said. However, while sharing a meal with Anness and his family, I was told that, for a combination of reasons, the initiatives taken amongst the Iraqis to educate the children were not able to be sustained. Although they had knowledge of various subjects, they did not have material aids like books and blackboards, or venues to provide schooling to

groups of children. In addition, both adults and children were worn out and depressed by their circumstances and attempts to school the children in any regular fashion faltered.

During the group discussion, one man questioned why they had undertaken the journey thus far. “We pass the sea, ocean, continent, we risk with our life. For what... we pass all this way and for what”. He was not alone in regretting the decisions he had made. Kokeb told of how he left Iraq then Iran because “no study, no future, no proper life, no security” in those countries. He now experienced guilt, believing he had made mistakes in bringing his family to Indonesia where they faced the same situation, adding, “These mistakes, my children have to pay.” Uncertainty hung over all of them and they had little or no idea how the authorities viewed them. While Anness said they were “forgotten people”, Hadeel suspected they were being punished for trying to reach Australia as unauthorised arrivals. “If Australia punish us, now finish the punishment. Six years enough.”

Disillusionment with UNHCR and IOM

Six of the eight participants interviewed in Indonesia expressed negative views towards UNHCR and IOM. With one exception, participants interviewed in Australia either made no reference to the agencies or made neutral comments such as not being aware of their existence at the outset of their journey. The Indonesian-based participants had extended dealings with the two agencies over many years and were frustrated and cynical with regard to both of them.

Participants distinguished between three groups of refugees in Indonesia: those assessed as refugees by UNHCR and who received a small living allowance; those rejected by UNHCR who lived in accommodation provided by IOM; and those whose cases were pending, also assisted by IOM. The slow and opaque processing of asylum applications left participants perplexed and distressed by the different outcomes when all had fled Iraq and the Saddam regime. As Taeseer said, “First interview rejected, don’t know why. UNHCR say they don’t know why either. Then appeal, for second interview. When change in 2003, freeze Iraqi cases. Still no result.” Norress gave a similar account. “UNHCR interview us in February 2002. Reject us April 2002...Never occurred to us that UNHCR would reject us...Interviewed again May 2002...still no result from that interview. In April 2006, they ask us to make new interview, so now waiting for result from that interview.”

Those found to be refugees were frustrated by UNHCR’s failure to resettle them. In 1999, Sabah participated in a hunger strike, followed by a demonstration in front of UNHCR offices. While this brought results, he was not resettled. “After hunger strike, demonstration in front of UN, then UN starts contacting other countries as we’re on TV and in the media. UN changed their Jakarta staff. After demonstration, four people get settled. Why this didn’t happen earlier?” Frustrated as he was by the system, he also acknowledged the difficulties faced by the agency in assisting refugees. “UN unable to provide settlement or arrange work rights in Indonesia... Other countries won’t take people. Worse after September 11. UN in impossible situation. If UN effective, then OK.”

I was also told about participants' involvement in a second demonstration that took place a few years later. In this case, UNHCR and IOM responded differently. "Demonstrate in front of UNHCR or IOM, they call police directly to intervene...prevent journalists from talking to us" said Anness. Hadeel said that they were effectively blackmailed into not holding demonstrations. "UN say don't demonstrate, hunger strike or Australia won't help you." He went to explain how they tried other approaches. "We ask UN for routine meeting for us every one to two months. But now, we meet once a year to discuss general things...UN head Robert Ashe says, 'Life is unfair, you must accept that'."

Their disillusionment with UNHCR went further than the body's inability to arrange settlement in a third country or work rights in Indonesia. Gadeer questioned its priorities.

*UNHCR office in Jakarta grow and improve, we think funded by Australia.
UNHCR supposed to be humanitarian. We see they are political organisation,
influence. So if UNHCR a political organisation, they are working for others. Not
helping asylum seekers find a solution.*

He, like many others, also suspected the politicisation of UNHCR and IOM because they encouraged refugees to return to Iraq even though, after 2003, many Iraqi cities were unsafe due to the violence and the improvised explosive devices (IEDs) that were a feature of post-Saddam Iraq. "Australia, UNHCR, IOM try to convince people don't stay here. Better you select your city with bomb. Then your choice. Your safety, your concern. They use many means to coerce people to go back" said Anness.

An alternative option was resettlement in another country. This, however, was unlikely as countries with resettlement programs were reluctant to take refugees they saw as Australia's responsibility, given that they had been intercepted en route to Australia, were physically close to Australia, and Australia funded both UNHCR and IOM in Indonesia (see Human Rights Watch 2002: 59). This caused additional frustration and despair.

From Hadeel:

I ask UN please give my case to Denmark, my sister and cousins there. After one year, they said must be Australia that accept. UN did not put my case to Denmark. UN then said January this year they would <put my case to Denmark> but 2, 3 months, I don't know what's happening.

He also said that even UNHCR staff regarded their situation as hopeless. "UN staff told us better to go with smuggler than wait in Indonesia."

Participants had even greater misgivings about IOM than the UNCHR, feeling that the organisation monitored their lives and restricted their freedom. Anness told me:

IOM observe us, report on us. They come to our house to see what we have, what we possess. Our daily life, IOM report on us. Now it's changed, now they let us contact outside. Journalists, researchers, social workers. Up to 2004, not really allowed to contact outside.

There was a general feeling that IOM, despite being well paid by Australia, stinted on the services provided to refugees. Hadeel pointed out that “Australia pays \$700 <for> every person to IOM, but not enough for IOM to buy fruit.” Referring to the accommodation arranged by IOM after being moved out of detention centres, Anness told me, “We furnish our homes. We given mattress, pillow, blanket. Rest we buying ourselves over years.” Anness also spoke of the meanness of IOM in cases where the refugees met and married Indonesian women after release from detention.

Before we couldn't have girlfriend or wife. Now different. Allowance given to us. If we marry Indonesian woman, allowance just for man, not wife. If we have children, allowance for man and children not wife. We demand help for wife. No. So manage on allowance for man and child, for man woman and child.

Hadeel went further, claiming IOM and its staff were corrupt. He said;

Have to cooperate with IOM or be put in jail...they stole money from us. In detention centre, every two or three months, medical checks...two or three months wait for treatment...bad treatment for us in hospital. They write they give us expensive medicine but no medicine or cheaper medicine...We cannot prove it, lots of staff UN, IOM take advantage of us. All corrupt in their way...They write I go...and see doctor and they get paid. But I don't go.

Resilience and coping

Time and again it became clear the participants attempted to ameliorate their situation in Indonesia. When they were moved to better accommodation, but provided with only mattress, blanket and pillow, they acquired chairs, tables and beds over the years. They attempted to set up classes and share their skills. They held demonstrations outside UNHCR offices and tried, without much success, to arrange regular meetings with it. Further, over time the different religious groups organised places where they could gather; the Shia now had a mosque, and the Mandeans had their own place.

Some of the men had married Indonesian women and had children. This, however, was tainted with great sadness, so much so I could not bring myself to explore it further with participants. As Anness told me “Many of the men have Indonesian wives now. Some men have left wives and kids at home, even if they have an Indonesian wife. Split up the families, really painful to be separate for that long. Pain for family back home.”

Anness spoke about how the refugees were supportive of each other. If they had problems between them, they resolved it themselves and avoided involving IOM in their disputes. He reflected that in the cramped detention environments where many people lived in one room for years, arguments inevitably occurred. These tended to be over food and access to the few toilets. He referred to another participant whose behaviour earlier that day had appeared erratic and unstable, saying that everyone had good and bad days, and that sometimes the hopelessness became too much. He reflected that in the beginning, hopes of reaching Australia dominated people’s thoughts. But as these hopes

faded, they turned to making the best of their situation, recognising that thinking about Australia all the time did them no good.

Reflections on state responses

This and the previous chapter have explored participants' and witnesses' experiences after leaving their country of origin, Iraq, with particular emphasis on the uncertainties and insecurities that accompanied them during their travels as far as Indonesia.

While each of the governments of the countries they travelled through – Iran, Jordan, Syria, Malaysia and Indonesia – responded differently to refugees, none provided the security and safety sought by participants and witnesses. The respective positions of the countries just listed towards refugees varied enormously. While Iran allowed them to stay for some years, it changed its policy when the burden became too much for a fragile economy recovering from war. Jordan and Syria were similarly poor countries that provided limited welcome. Malaysia was known to have the harshest response to people in the country illegally, and this knowledge was enough for participants and witnesses to transit Malaysia swiftly. Unlike the other countries, Malaysian authorities had adopted a policy of actively encouraging its citizens to act against people living illegally in that country. The issue of illegal immigration was regularly canvassed in Malaysian media.

The densely populated archipelago of Indonesia was very different. Here, even when events in Indonesia relating to the refugee debate were making headlines in the Australian press and on television, they attracted little attention in Indonesia. The issue of

refugees was simply not on the national agenda, and therefore did not constitute a political risk for the Indonesian government.

The political classification of each of the five countries, whether that be as a theocracy, monarchy, democracy or republic, gives little indication as to the likely response to refugees. Both Jordan and Malaysia are monarchies but demonstrate very different responses to refugees. Islam is the dominant religion in each of the five countries. It was the theocracy – Iran - with the most rigid adherence to Islam of the five that appeared to be the most generous to refugees. This may be linked to the long tradition in the Middle East of providing asylum to people in need which has been eroded in more recent times. As a governmentality framework suggests, it is more revealing to consider what a government does rather than simply refer to its political classification.

CHAPTER 9

The high seas and the people smugglers

You know if you go with people smuggler, you save your life (Sabah)

Good, I with my husband and children. If we die, we die together (Nazek)

Introduction

While all the refugees had dealt with people smugglers before arriving in Indonesia, it was in Indonesia where they had most contact. The most dangerous part of their journeys was travelling on the boats arranged by people smugglers, either from Malaysia to Indonesia, and/or from Indonesia to Australia. Most of the boats leaving Indonesia for Australia embarked from the eastern islands of Indonesia, crossing the Timor Sea to Ashmore Reef, a group of small Australian-owned islands north of Darwin. A typical journey from Roti in Indonesia to Ashmore Reef of about 90 kilometres could be done in a day. A secondary route was from the Indonesian island of Java to Christmas Island, a distance of 360 kilometres. Christmas Island is located in the Indian Ocean some 2,600 kilometres north-west of Perth. The monsoon season between October and March affected both routes.

The sea crossings were inherently risky, and the degree of danger was dependent to some extent on how people smugglers ran their operations. These operations were targeted by the Australian government as part of its overall aim to stop unauthorised boat arrivals reaching Australia shores. These disruption and deterrence activities also had a bearing on participants' safety. The first part of this chapter comprises a discussion of these

issues. I then reconnect with the participants who, through their narratives, relate the dangers and fears they faced as they crossed the high seas in wooden fishing boats.

People smuggling

At the outset, it is worth noting the distinction between people smuggling and people trafficking. Trafficked persons are transported to another country either by force or on a false pretext, such as good employment prospects, and are exploited after the journey ends. An estimated 80% are coerced into prostitution and the remainder into slave or forced labour, with women and children particularly vulnerable to being trafficked. By way of contrast, the people who travel with people smugglers generally do so by choice, pay for a service and their association with the smuggler ends when the journey ends (Phillips 2004).

According to the Oxford Reference Online (2005), to smuggle means to ‘move (goods) illegally into or out of a country’. By a layperson’s definition then, smuggling is an illegal activity which can only exist when there are laws and regulations in place to either prevent the movement of a commodity or to extract some form of duty or tax when the commodity crosses a border. So there is a link between smuggling and government legislation and policy. At times, this link is perverse. In the eighteenth century, for example, smuggling of commodities such as tea, gin, brandy, tobacco and wool was attractive to merchants as it avoided the tariffs imposed upon them. In their attempts to stop this, governments introduced further legislation which increased the complexities and costs of operating within the law, and so more traders looked to smugglers for

simpler and cheaper ways of moving their merchandise. In this fashion, while the intention of new legislation was to reduce smuggling, it was a boon to the smuggling trade. When such protectionist policies were replaced by free trade in the nineteenth century, smuggling of tea all but disappeared (Cole 1958).

As noted in Chapter 5, the antecedents of modern-day Kurdish people smugglers were merchants who travelled the old trade routes, selling their wares. When the Ottoman Empire was reconfigured into nation states and territorial borders established, what was once legitimate trade became cross-border smuggling. According to one Kurdish smuggler, smuggling is a staple of the local economy providing a transportation service for both goods and people. With state borders splitting families and tribes, transnational social and economic networks were easily established that facilitated smuggling operations (Icduygu & Toktas 2002: 36-37).

A link between government action and demand for the services offered by people smugglers could similarly be observed after stronger border restrictions were introduced in the 1990s throughout Europe (see Koser 2001). These took the form of more stringent visa and entry requirements (Marfleet 2006: 175). Germany, for example, refused entry to people seeking asylum, increased the number of border police and installed technologically-advanced sensor equipment along its Polish border. As neighbouring countries adopted similar policies, the asylum seekers went from country to country. This was the case for 100 Middle Eastern refugees who, over a five day period, were shuttled between Russia and Latvia twelve times as both countries refused them entry. With such

measures in place, irregular migrants in Europe (who included economic migrants as well as refugees) increasingly turned to smugglers to gain access to destination countries (Marfleet 2006: 248-251). As Beck (2002) suggests, government action in one country has implications not bounded by state borders and which may further disadvantage the already vulnerable and disadvantaged.

In this context it is worth noting that smuggling syndicates, whether smuggling commodities or people, can only flourish when there is a demand for the service they provide which occurs when other options are inaccessible or non-existent. As far as people smuggling is concerned, this increases the risk of abuse. In particular, the desperation of refugees fleeing conflict zones and persecution in search of safety makes them more vulnerable to exploitation and the distinction between people smuggling and people trafficking can become blurred (Marfleet 2006: 249).

Smuggling syndicates range from the most basic and unsophisticated to well-financed, professional operations. In areas such as the Mexican border crossing with the USA, smuggling is akin to a cottage industry (Koser 2009). At the other extreme Chinese Triads, notorious for their involvement in extortion, prostitution, murder, theft and drug smuggling, are suspected of smuggling millions of Chinese nationals overseas (Craig 1999). In this vein Warton (2002: 19) speculates that the smugglers operating out of Indonesia between 1999 and 2001 might also be involved in drug smuggling or bringing terrorists to Australia. Against this, Schloenhardt (2002: 2) argues that there is no basis to such a claim as far as smuggling operations involving Middle Eastern refugees crossing

from Indonesia to Australia are concerned. Similarly Tailby (2001: 6) asserts that smugglers do not necessarily conform to the traditional idea of an organised criminal gang, forming instead 'flexible, fluid networks of organisers and facilitators playing various roles'. This is consistent with the empirical research conducted by Icduygu and Toktas (2002) into people smuggling in Turkey. They also suggest that the smuggling syndicates there do not fit the highly centralised, hierarchical model typifying organised crime gangs. Rather, they describe networks of individuals operating in countries of origin, transit and destination, linked through kinship or nationality, with the knowledge and contacts to aid migrants, whether economic migrants or refugees, achieve their goals. The authors note that smuggling operations, compared with trafficking ones, are more haphazard and arise in response to local needs. This is consistent with other research that concluded smuggling operations can be grassroots affairs (see Marfleet 2006: 255).

Icduygu and Toktas note that smugglers operating in Turkey tend to deal with migrants (including refugees) from their own countries and point to the significance of interpersonal trust in the continuing operation of the syndicates. They refer to the reciprocal nature of the relationship between the smugglers and the migrants; the smugglers only operating because the migrants desire the service they provided. However, as they point out, it forms an unequal relationship, with the balance of power firmly held by the smugglers (Icduygu & Toktas 2002: 47-49).

Heckmann's (2005) European research, which draws upon court testimony and interviews with smuggled people and experts such as police, also points to the importance

of ethnicity in the formation and maintenance of the syndicates. He too argues that despite shared ethnicity, even shared kinship, there is an unequal power balance within the syndicates, which typically consist of an entrepreneurial individual at the centre, assisted by a small group of helpers. This central figure is likely to earn considerably more out of the enterprise than his assistants. This suggests that the relationship between smugglers and their customers is also unlikely to be equitable as exploitation at one level of an operation can spill over to others.

The risk of being exploited financially is ameliorated through a payment method known as *hawala*, an Arabic word denoting ‘transfer’ which also encompasses the concept of trust. Hawala has been used for centuries throughout Asia to make payments and transfer money, providing security to both parties involved in a transaction (Looney 2003). In a hawala transaction, the customer lodges money with a trusted third party who releases the money to the seller only when the customer is satisfied with the purchase. In their research conducted in Turkey, Icduygu and Toktas (2002: 38) describe how a third party was entrusted with the money to pay for the journey. Smugglers responsible for different stages would collect their share as each stage was completed. This third party retained a small amount, perhaps US\$50 or US\$100, for providing the service. The authors suggested that Iraqis commonly used this method, in effect paying for the entire journey at the outset.

In my study I found only two instances of hawala, both for women travelling without adult males. In each of these cases, male relatives made all the arrangements for the

journey, lodging money with a trusted person who was under instruction to pay smugglers when notified that the women had reached their destination safely. Otherwise, participants and witnesses negotiated with and made payments directly to smugglers at each stage of the journey. Koser (2009) notes that of the two payment methods, while both are used, since 1999 there has been a shift towards hawala transactions as these provide greater safeguards to irregular migrants – as Koser expresses it, a ‘money-back guarantee’. The hawala system might, however, contribute to an increase in the prices charged by smugglers. Rather than receiving payment up front, the smuggler has to disperse monies before he is paid which increases both his financial burden and financial risk; if the person does not reach their destination safely the smuggler will not be paid even though he may have incurred expenses on that person’s behalf.

For the period of this study, the cost from the Middle East to Indonesia, including travel documents, was about US\$2,000 for an unaccompanied adult male. For the boat journey from Indonesia to Australia, the per capita cost was highly variable depending on the smuggler, the size of the family group and the financial circumstances of the family. Sabah said that passengers on the same boat may have paid different prices as these were always negotiable; the smugglers sometimes took account of an individual’s circumstances. Hussein, Achmed and Faisal all reported knowing of instances where children travelled for free. Participants and witnesses gave figures of between US\$1,500 and US\$3,500 per adult. A conservative estimate of US\$2,000 per passenger for a boat carrying 70 people – the average number of passengers of the 180 boats between 1999

and 2001³⁵ – earned the smugglers \$140,000. Even after allowing for the smugglers' costs this was a highly lucrative business.

As in any business enterprise, there are a number of tasks to be undertaken in a smuggling syndicate. There needs to be an initial contact point for the refugees, and someone who acts as an ongoing liaison, informing them as and when passages become available, negotiating the price, collecting the money, keeping them informed as they wait for their embarkation date and shepherding them there at the appropriate time. Records have to be kept of potential and confirmed passengers, their contact details, the negotiated rate and whether it has been paid or is owed. Someone within the smuggling syndicate needs to have the contacts to source vessels and crew, procure supplies for the journey and liaise with local officials such as police who for a fee will turn a blind eye to smuggling activities. Accommodation and transport have to be organised as refugees are relocated to avoid authorities or to be closer to the point of departure. In addition, smuggling syndicates usually have a range of contacts who can obtain passports and visas, pass on smugglers' contact information and play other minor but vital roles (see Icduygu & Toktas 2002: 35-36).

With respect to my study, the association with people smugglers for many of the participants and witnesses began in Iraq as they would not have managed to leave the country without the help of the smugglers. While few Iraqis were issued passports by their own government, they could purchase them with relative ease outside of Iraq. They

³⁵ The average number of passengers is my calculation using data from the *Database of Asylum Seeker Boats* prepared by Marg Hutton and accessible from <http://www.sievx.com/dbs/boats/>

were, for example, available from market stalls in Tehran, Iran's capital (Gadeer). Travel agents in Jordan provided similar services (Chatelard 2002: 31). Once in Malaysia, where smugglers waited for new arrivals, visas for onward travel to Indonesia were arranged (Muftin, Jasser, Ali). Smugglers had contacts within Indonesian immigration who issued the visas for a price for those intending to fly to Indonesia, or use commercial ferries that operated between Malaysia and Indonesia. Those who made this part of the journey in fishing boats arranged by smugglers did not need visas as they were landed at locations without immigration controls.

Returning to the Australian situation, people smuggling charges are brought under Section 232A of the Commonwealth Migration Act 1958 against a person who 'organises or facilitates the bringing or coming to Australia, or the entry or proposed entry into Australia, of a group of five or more people'. Indonesian fishermen hired by the smugglers to crew the boats for a small fee, sometimes as little as AUS\$285, have been charged under these provisions (Human Rights Watch 2002: 30). Section 232A provides for a maximum penalty of 20 years although the crew is more typically sentenced to jail terms of between five and six years (see Preedy 2009). The prison terms have attracted criticism from Indonesia's ambassador to Australia for being too harsh. According to reports, he said the Indonesian crews were very poor and did not always know at the outset the purpose for which they had been hired (Maley 2009). As Beck and Sznaider (2006) point out in their discussion of world risk society and axes of conflict, where issues of global significance affect and connect developed and developing

countries, affluent Western country protect their own interests with little or no regard for the impact upon the citizens of poorer countries.

As well as charges brought against the Indonesian crews, there have been a number of successful prosecutions in Australia under the smuggling provisions of men described in the media as a 'king pin' or 'Mr Big' (see The Age 2004; West Australian 2004).

Currently Australia continues in its attempts to prosecute key players in smuggling syndicates including those who operated between 1999 and 2001.

The Rudd Labor government (2007-2010) adopted tough rhetoric when referring to people smugglers as one way of countering the perception that Labor was weak on border security. Rudd famously labelled people smugglers as the 'absolute scum of the earth' who should 'rot in hell' (Rodgers 2009). Selective use of language was part of a wider strategy - or in governmentality terms, 'tactics' - to change the narrative around the issue of unauthorised boat arrivals. The character and background of the people smugglers who played a part in participants' and witnesses' journeys are explored later in this chapter as these have a bearing on the risk and danger faced by them.

People smuggling disruption and deterrence activities

As discussed in Chapter 2, small numbers of refugees have attempted to reach Australian shores by boat since at least the early 1960s. During the period 1999 to 2001, the Australian government responded to the increase in boat arrivals by implementing measures to deter and disrupt the smuggling operations. The Howard government was

largely successful in gaining public support for its harsh policies towards refugees who arrived by boat, justifying them by presenting unauthorised boat arrivals as a threat to border and therefore national security, and using the language of deviancy, illegality and invasion through labels such as ‘queue jumpers’ and ‘illegals’ (Pickering 2005: 24). The Australian Hansard records numerous examples of strident language used to describe unauthorised boat arrivals, such as this quote from the then Minister for Citizenship and Multicultural Affairs, Garry Hardgrave, who referred to ‘... the flood of criminally motivated, criminally sponsored asylum seekers coming to this shore’ (Hardgrave 2001: 31107).

Governmentality theorists point out that when policy decisions are explained by reference to ‘security concerns’, the subjects of government action are described in moral or evaluative terms that justify such action. From a different perspective, Pickering (2005: 24) argues that ‘The power of language in the representation of deviance provides the base for not only discourses of deviance to be developed but also state responses to that deviance’. As she pointed out, the refugees who came by boat were described as ‘invading’, potential disease carriers and queue jumpers. Despite the lack of empirical backing, these terms gained general currency with the acceptance by sections of the media and so further legitimated policy.

One particularly popular construct was the notion of a queue which unauthorised arrivals ‘jumped’ depriving other refugees of resettlement places. Queue jumping, as Gelber (2003) suggests, may be offensive to Australian notions of fair play, and in turn can feed

divisive concepts such as ‘deserving’ and ‘undeserving’ refugees (Refugee Council of Australia 2003: 68). The following statement from the Liberal politician Christopher Pyne provides a good example:

Some may never get here and some may lose their lives in those camps because of people who have jumped the queue, because of people who could afford to fly themselves to Malaysia, Indonesia or the Philippines. As I said earlier in my speech, the fact that they have money does not indicate that they are not refugees, but it does indicate that they are able to jump the queue of people who have not got money (Pyne 2001: 31115).

Gelber (2003) disputes the notion of a queue, a position supported by UNHCR. ‘We say there is no queue, it's a mythical idea’ (Towle 2009). In response to this, in 2009 the shadow Immigration Minister, Liberal senator Sharman Stone, said that while UNHCR didn’t have a queue, the Australian government does and that the government prioritises according to need (Stone 2009). What actually occurs is that Australia has an overall quota, and decides the composition of that quota according to, for example, nationality and/or a grouping such as ‘women at risk’. However certain groups who arguably are the most needy, like the aged, disabled or sick, are not usually considered for resettlement on the basis that they would create too large an economic burden upon the health care system (see Lunn 2008).

In defining the issue as one of national security, the Howard government deflected attention from humanitarian issues and Australia's obligations as a signatory to the Refugee Convention. This allowed it to pursue its objective of stopping refugee boats reaching Australian shores. Despite the enormous cost - estimated to be in the hundreds of millions (Crock 2009) - of stopping relatively small numbers of boat arrivals, the measures adopted to achieve this aim received widespread approval. Apart from a few dissenting voices, little thought was given to the impact of these measures on the refugees.

Beck's (2000: 213) discussion of the 'virtual reality' of risk - once articulated, risk exists even though the basis for it can be highly speculative and without proof - is particularly apposite with regard to assertions about refugees being threats to public health (Pickering 2005: 37-39) and implications that they are dangerous (ibid: 7-8). Beck also notes that the subjects of risk discourses have to deal with the impacts from risk-based decisions (Beck 2000: 204). Here again is a reference to 'powerful actors' who can minimise the risk to themselves (and their interests) at the expense of the less powerful (Beck 2006: 333). This is played out many times in relation to boat arrivals, who are typically unpopular with large sectors of the electorate (Pedersen et al 2006). Under the Howard government in particular, such antipathy was fuelled by the kinds of statement exemplified above, providing the government with the support it needed to enact its policies which, as well as being consistent with ideological positioning, addressed an issue which had potential to affect election outcomes.

The ALP governments under Rudd then Gillard have continued with policies which contribute to the risks faced by refugees as they traverse south-east Asia. Both governments have provided funds for Indonesia's immigration detention facilities. The Rudd government negotiated with Malaysia for 'increased co-operation in intelligence, surveillance and information sharing' (Sketekee 2009: 18). As seen in the previous chapter, Malaysia's treatment of non-citizens without valid documentation is extremely harsh, and includes deportation back to source regions.

International cooperation

Air versus sea travel

Australia has sought to engage the cooperation of other countries in its attempt to stop people smuggling and has been successful in influencing Indonesia to tighten its immigration controls at Jakarta airport (Mattalatta & Evans 2008). This has made it more difficult for Middle Eastern refugees to enter Indonesia via the airport. As a consequence, since 2000 a greater proportion have travelled from Malaysia to Indonesia by boat, either by commercial passenger ferry or on fishing boats used by smugglers. Immigration controls at the sea ports where the ferries docked were known to be less stringent than the equivalent at the airports, and smugglers' boats could land at one of thousands of Indonesia's small islands where there were no immigration controls. Australia's attempt to stop refugees arriving in Indonesia was therefore unsuccessful. As participants' narratives demonstrate, it simply forced many of them to take a more dangerous route. Getting from Malaysia to Indonesia by boat entails crossing the Strait of Malacca. The north-western end of the Strait is about 370 kilometers wide which narrows like a funnel

to about 14 kilometers. Although the waters of the Strait are usually calm, the two monsoon seasons, which together last for about nine months, bring brief but severe storms accompanied by strong winds and heavy rain (Roach 2005: 98-99). The Strait is one of the world's busiest shipping lanes, patrolled by multi-national forces to counter the threats of piracy, armed robbery, illegal fishing, pollution and the illicit movement of people and goods (Bateman 2009: 45). The high and growing density of traffic on the waterway has led to an increase in the number of collisions involving all types of vessels, big and small (Cleary & Goh 2000: 171). As was the case for the period of my study, refugees on smuggler boats are therefore at risk from the weather, criminal elements and accidents, as well interception by security forces on watch for illegal people movement which most likely leads to detention and deportation.

A third (18) of the study participants and trial witnesses took this route. While some opted to make the journey by boat as it was a cheaper option than flying, others found that the alternative, flying, was no longer possible. "Tried to fly Malaysia to Indonesia, to get a visa but stopped for Iraqis. So came by boat...In 1999 huge numbers of asylum seekers. After them, stop issuing visas for Iraqis. More use boat" said Aahad.

Two of these participants, Anness and Norres, travelled by commercial ferries, enjoying a safe journey. The rest were smuggled in wooden fishing boats, not intended to carry paying passengers. The journey was extremely dangerous:

One day and one night by boat...it was dangerous, fighting for self. One step to death. Gods help us. Storm, rainy, boat unstable. Very difficult (Kokeb).

Boat journey like death, 24 hours. 21 people on the boat. Fishing boat, very small not big enough for 21 people. We changed boat two times. Malaysian boat, put us on bottom of boat, we lay down, covered us with piece of wood maybe 30 centimetres from the ground. Then put goods on top of that. We could not move. Nothing to eat, little girl took milk. Sacrifice ourselves, all trouble just for the future. Boat journey, rainy, stormy, October. Smuggler chose bad weather <as> police don't patrol so won't find us (Taeseer).

The danger and discomfort of this journey was enough for Taeseer and his family to resolve not to attempt the boat journey from Indonesia to Australia. "The experience from Malaysia to Indonesia enough. Afraid for the children" he said.

People Smuggling Disruption Activities

In 2002 a Senate inquiry was held to investigate 'A Certain Maritime Incident', otherwise known as 'the children overboard affair'. The central focus of the inquiry were claims made by then Prime Minister Howard and senior ministers of his cabinet in the run-up to the 2001 federal election that refugees on the SIEV 4 boat had thrown their children overboard to coerce Australian authorities into accepting them as refugees. Although these allegations were known to be false by the navy, the public record was not corrected until after the election. The Senate inquiry also examined matters pertaining to other SIEVs, in particular SIEV X which sank in October 2001 causing the deaths of 353 of its

passengers, over 80% of whom were Iraqi women and children (Senate Select Committee 2002a).

During the course of the inquiry, the Senate committee learnt from AFP Commissioner Mick Keelty that Australia was involved in disruption activities conducted in Indonesia to stop unauthorised boat arrivals reach Australia. These disruption activities targeted both people smugglers and their customers. Keelty described them as:

...the use of the Indonesian national police to divert potential passengers to the International Organisation for Migration or the interception by the Indonesian national police of passengers prior to boarding vessels... Often a disruption activity would be to prevent the passengers from getting to the point of embarkation or, if we knew who the people smuggler was, to have the Indonesian national police arrest the organiser, or in other ways to disrupt the gathering of the people prior to the vessel departing (Keelty quoted in Senate Select Committee 2002a: 8-9)

While it is unclear precisely when the disruption activities started, they were formalised through a protocol agreed between the Indonesian National Police (INP) and the AFP in September 2000. Tactics included information campaigns targeted at refugees and fishermen in Indonesia, and gathering intelligence on smugglers' vessels leaving the country to assist the naval forces in intercepting them. Although the INP and the AFP were the lead agencies in their respective countries, Indonesian immigration and defence

agencies, and Australia's Department of Foreign Affairs and Trade, the Australian Secret Intelligence Service and Department of Immigration and Multicultural Affairs (DIMA) were all involved in organising disruption activities (Senate Select Committee 2002a: 9). Under the provisions of the protocol, the AFP provided training and financial support to the INP which set up five units dedicated to stop smuggling operations (Senate Select Committee 2002a: 10). As the AFP was unable to undertake operations on Indonesian territory, the Indonesian authorities were left to effect disruption activities as they saw fit with no oversight from Australian authorities (Senate Select Committee 2002b: 1934-1938). Senator John Faulkner expressed his concerns regarding the lack of knowledge, transparency and accountability on this issue, and questioned whether the safety of refugees in Indonesia had been compromised (Senate Select Committee 2002a: 453-468).

Although the AFP was unable to conduct operations on Indonesian soil, it did have a paid informant, Kevin Enniss, who reported to both the AFP and the INP. Ennis' role went beyond providing intelligence on smugglers and refugees. He represented himself to refugees as a people smuggler to gain their trust and money, and then notified Indonesian authorities of their location. According to the AFP, this was done as part of a 'controlled operation' conducted with the full knowledge of Indonesian police and IOM to interdict refugees (AFP 2002). Ennis has been linked to speculation that boats might have been tampered with as a way of preventing them leaving Indonesia or reaching Australia. He allegedly boasted off camera to a reporter in 2002 that he had paid Indonesian locals to scuttle boats, although he has denied such a conversation occurred (Coulthart 2002).

Instances where Indonesians have spoken about interfering with boat engines to stop them working properly have also been recorded (Marr & Wilkinson 2003: 42-43).

During the *Asfoor*³⁶ people smuggling trial in 2006, an AFP officer who was based in Indonesia between December 2000 and December 2002 testified that he had never heard of the term ‘refoulement’ (a central tenet of the Refugee Convention) and would ‘take your word for it’ when it was put to him that Indonesia was not a signatory to the Convention. He stated his role in Indonesia was to gather intelligence as part of an investigation into people smuggling activity³⁷. His ignorance of fundamental issues relating to refugees, together with the lack of knowledge on the part of the AFP regarding activities undertaken by Indonesian authorities, points to a cavalier attitude by Australian officialdom concerning the welfare and rights under international law of vulnerable persons.

In 2002, the Senate inquiry committee recommended:

...a full independent inquiry into the disruption activity that occurred prior to the departure from Indonesia of refugee vessels...with particular attention to the activity that Australia initiated or was instrumental in setting in motion through both its partners in the Indonesian government and its own network of informants (Senate Select Committee 2002a: 12).

³⁶ *The Queen and Keis Abd Rahim Asfoor* [2006] District Court of Western Australia.

³⁷ *Asfoor*, 4534-4536.

No such inquiry has been undertaken and people smuggling disruption activities continue after ALP governments came to office in 2007. The then Immigration Minister Chris Evans, while acknowledging he shared the concerns expressed by his colleagues about the manner in which disruption activities were conducted by the Howard government, indicated that similar activities would continue but with appropriate measures in place to ensure accountability (Evans 2008a). In July 2009, \$48.3 million was allocated to the AFP to combat people smuggling activity through a range of initiatives, most of which involve overseas agencies including the INP (AFP 2009).

Deterrence on the high seas

In the latter half of 2001, Australia instigated a new policy under the codename of *Operation Relex*. This was an Australian Defence Force operation in which Australian ships and aircraft were deployed to detect, intercept and deter unauthorised boat arrivals (Department of Defence n.d.). Smith (2004: 26), an expert in military ethics, observes that ‘the effect of government policy here was to put lives at risk - not only those of asylum-seekers but also those of naval personnel.’

The Senate Select Committee in its report, *A Certain Maritime Incident*, noted that the captains of the intercepting vessels were faced with difficult choices. Even if a refugee boat was unsafe, taking the passengers on board the naval vessel was regarded as failing in the major mission objective of deterring and denying access to Australia’s migration zone. Instead, efforts had to be made to repair refugee boats, so they would be able to

return to Indonesia, and failing this, to keep the passengers on their boat pending instructions from government (Senate Select Committee 2002a: 37).

According to the report from the inquiry, the Australian naval ship *Adelaide* fired warning shots ahead of SIEV 4 to persuade the Indonesian crew to turn the boat around. After failed attempts to make the boat return to Indonesia, the *Adelaide* was obliged, given the condition of SIEV 4, to tow it towards Christmas Island, Australian territory closer to Indonesia than Australia. During 24 hours of towing, the condition of the wooden boat continued to be a source of concern. At one point, a naval officer requested of his captain that women and children be taken from SIEV 4 onto the *Adelaide* on safety grounds. The request was refused (Senate Select Committee 2002a: 37). SIEV 4 sank two hours later. The Senate Committee's report noted that there was a tension between the mission objective and the need to ensure safety of individuals.

3.41 The Committee is gravely concerned about two aspects of the tension between the requirement to ensure safety of life at sea and the requirement to avoid embarking unauthorised arrivals onto RAN <Royal Australian Navy> vessels until the last possible moment. First, the Committee is concerned at the risk to the lives and well-being of both naval personnel and the passengers on board SIEVs <suspected illegal entry vessels>.

3.42 Second, the Committee is concerned about what may be described as the

'moral risk' in which the Commanding Officers are placed by the policy. What, for example, would Commander Banks's feelings have been had any of the passengers on board SIEV 4 drowned as a consequence of the delay in embarking them on the Adelaide?...

3.43 The Committee is concerned at the personal consequences that may be suffered by commanders such as Commander Banks if these situations 'go wrong', and at the government's apparent obliviousness to the risk it is asking these individuals to run (Senate Select Committee 2002a: 37).

Initially under Operation Relex, navy vessels intercepted refugee boats to force them to leave Australian waters. Although the boats did appear to comply and left the vicinity, they simply turned round and came back. In mid-October 2001, the orders changed such that the navy was to force boats back to Indonesia, escorting them on the way (Marr & Wilkinson 2003: 217). The Senate inquiry did not examine what transpired with those boats that were returned to Indonesia under escort from the navy. One of the participants, Messar, was on such a boat, and his account appears later in this chapter.

Although successful in its main purpose of stopping the refugee boats, *Operation Relex* significantly increased the risks faced by the refugees, and at a time when the boats carried large numbers of women and children (Senate Select Committee 2002a; Smith 2004). In October 2001, as boats continued to make their way from Indonesia to Australia, the People Smuggling Task Force, a Canberra-based inter-agency body that

advised Cabinet, was meeting regularly. Notes from these meetings emerged later, one of which disturbingly referred to ‘beefing up’ disruption activities (Faulkner 2002: 4919). No explanation is available as to what form, if any, this took. A week later the SIEV X refugee boat sank in waters that were in an area routinely monitored by Operation Relex craft. The timing of this tragedy led to speculation of sabotage and that Australian forces were aware of the vessel but did nothing to aid the 45 survivors who were in the water for over 20 hours before being rescued by Indonesian fishermen (see Kevin 2004). Further, survivors claimed that during the night when twice as many people were still alive, two ships shone searchlights on them for some considerable time before turning away without effecting a rescue (Marr & Wilkinson 2003: 234).

The circumstances surrounding SIEV X were examined by the Senate inquiry committee which noted:

9.143...the Committee cannot find grounds for believing that negligence or dereliction of duty was committed in relation to SIEV X.

9.144 Nonetheless, the Committee is disturbed that no review of the SIEV X episode was conducted by any agency in the aftermath of the tragedy. No such review occurred until after the Committee’s inquiry had started and public controversy developed over the Australian response to SIEV X.

9.145 While there were reasonable grounds to explain the Australian response to

SIEV X, the Committee finds it extraordinary that a major human disaster could occur in the vicinity of a theatre of intensive Australian operations and remain undetected until three days after the event, without any concern being raised within intelligence and decision making circles...

9.147 At the general operational level, the Committee also considers that more should be done to embed SOLAS³⁸ obligations in the planning, orders and directives of ADF <Australian Defence Force> operations. The Committee has noted elsewhere in the report that international and legal obligations to protect safety of lives at sea constrained Operation Relex's mission of 'detecting, deterring and returning SIEVs', and that the Committee is impressed at the RAN's serious commitment to this imperative. Nonetheless, the Committee has a degree of concern about the extent to which this imperative figured in the mission tasking of other arms of the government architecture supporting Operation Relex (Senate Select Committee 2002a: 287-288).

The dangers associated with intercepting boats came to the fore again in May 2009, when there was an explosion on a boat codenamed SIEV 36 which was carrying Afghan refugees. Five men died and many others were seriously burned. The explosion occurred after the SIEV passengers had been kept for most of the day under armed guard on the deck of their vessel. The boat, although in sight of land, was being towed in circles by the Australian navy who were waiting for another vessel to transport the passengers to Christmas Island. According to the findings of a coronial inquest, '...a group of

³⁸ SOLAS refers to the International Convention for the Safety of Life at Sea.

passengers mistakenly believed they were to be returned to Indonesia. They planned to set fire to SIEV 36 to cripple it and ensure that they could not be returned' (Darwin Coroner's Court 2010). The Coroner noted that the incident would have been prevented had the navy searched the boat properly, secured petrol, and confiscated lighters and matches; and informed the passengers as to where they were being taken. Naval personnel - like the passengers, badly affected by the disaster - were commended for their actions in its aftermath (ibid).

There were other measures used to disrupt the smuggling trade that indirectly impacted on the sea crossings. Indonesian fishermen, paid by smugglers to crew boats which the smugglers chartered or purchased from them, are routinely arrested on arrival in Australia for people smuggling offences. Until 1999 they usually received jail sentences of a few months. When harsher penalties for smuggling were introduced that year, according to Warton (2002), crews would disembark from the boats close to Australian shores to avoid capture, leaving their refugee passengers to fend for themselves. It also appears juveniles were increasingly used to crew the boats as they would receive lighter sentences if caught. When it became known that Australian authorities destroyed the fishing boats after passengers were landed, smugglers were less inclined and less able to source boats in good condition³⁹. These tactics placed the refugees at greater risk.

³⁹ Conversation between the author and a man involved in people smuggling operations in Indonesia between 1998 and 2001.

Restrictive visas

In addition to the disruption activities in Indonesia and the deterrence activities on the high seas, policies were enacted to make Australia a less attractive destination to refugees. These included, in order of their introduction, mandatory detention, TPVs and the Pacific Solution. I will return to mandatory detention and the Pacific Solution in the next chapter. TPVs are relevant here as they had an immediate and direct effect upon the refugees and smugglers.

TPVs were introduced in October 1999 on the assumption that they would act as a deterrent by denying permanent protection to those who came by boat and restricting it to refugees who came to Australia with pre-arranged visas. However, more people arrived by boat in the two months following the introduction of TPVs than had arrived during the previous 10 months (see Hoffman 2006). The increase in arrivals continued into 2000 and 2001 as indicated in a 2009 media release from the then Immigration Minister, Chris Evans. It reads in part:

TPVs did not stop boats arriving.

TPVs were introduced in October 1999. There were 3722 irregular maritime arrivals that year.

During the next two years there were 8459 irregular maritime arrivals, including 5520 arrivals in 2001 alone. An unfortunate consequence of this was that it forced

more women and children to risk their lives with people smugglers on leaky boats because the harsh conditions attached to TPVs prevented people from being reunited with their families.

From 1999 to 2001 the proportion of women and children among Iraqi and Afghan irregular maritime arrivals more than tripled. In 1999, 12.77 per cent of protection visa applications lodged by Iraqi and Afghan irregular maritime arrivals were from women and children. That figure rose to 27.56 per cent in 2000 and 41.81 per cent in 2001 (Evans 2009).

As Evans set out, because of the restrictions attached to TPVs, there was no legitimate way in which the wives and children of TPV holders could join their husbands and fathers after their menfolk arrived in Australia, and this led directly to the growing numbers of women and children travelling on the smugglers' boats. The changing demographics were also apparent in the detention centres which had been built to house single men, not family groups (Hoffman 2006).

Of the 353 SIEV X passengers who drowned, 146 were children and 142 were women. Some of the bereaved who have spoken out lay blame at the door of the Australian government for introducing a policy that denied the means by which families could reunite, and by default directing them to the smugglers (Al Ghazzi 2009; El Telegraph 2001). Despite assertions from former Immigration Minister, Amanda Vanstone, that children were not on SIEV X in order to reunite with their TPV fathers (Vanstone 2006),

at least eight men in Australia lost their wives and children when SIEV X sank⁴⁰. Four Iraqi men are known to have told their wives not to make the journey as it was too dangerous, but their wives insisted (Bahaa; Rintoul & Walker 2001; The Daily Telegraph 2001). Living in poverty on the other side of the world without the protection of their menfolk was too difficult.

If they allowed us to bring our families this would not have happened...I had lost hope of seeing my children...there was no other way but the sea to bring my wife and four children. But death was closer to them from me (El Telegraph 2001).

The government introduced TPVs with the expectation they would influence the behaviour of refugees. And TPVs did change the dynamics of refugee movement in the region but not in the way expected. TPVs effectively encouraged more women and children onto smugglers' boats and hence were a factor in the increased numbers of unauthorised arrivals. They may also have contributed to the growth in smuggling syndicates by increasing the customer base. If not for TPVs and their restrictions on accessing the family reunion program, the events associated with SIEV 4 ('children overboard') and SIEV X (almost 300 women and children drowned) would not have occurred.

There were further unintended consequences of TPVs. The increase in the number of women and children held in detention centres became a rallying point for refugee

⁴⁰ Email from Marg Hutton, editor www.sievx.com, dated 21 December 2006 listed eight men who were living in Australia with TPVs and who lost wives and children on SIEV X. I have met with four of these men.

advocates and was one of the triggers for the dismantling of the harsher aspects of detention policy as administered by the Howard government. This recalls the governmentality theorists' view that history turns on events rather than progressing in a linear fashion⁴¹.

Personal accounts

I now rejoin the participants as they recount what transpired in their dealings with people smugglers and as they travelled on their boats, the latter being one of the most life-threatening stages of the journey.

Experiences with the smugglers

For the final leg of the long journey from Iraq to Australia, the refugees had little option but to use people smugglers. Making contact with them was not difficult according to the 49 (out of 58) participants and witnesses who commented on this; more than two-thirds (33 of 49) obtained the names and phone numbers of smugglers based in south-east Asia while they, as potential customers, were still in the Middle East. The remaining third (16) made contact en route.

Heard other people come here to Australia, through friends and newspapers

Friend phoned from Malaysia, knew smuggler who would take me to Indonesia

(Jihad).

⁴¹ Another example of miscalculation by the government was noted earlier which was also an attempt to change behaviour of refugees. This was in relation to involving Indonesian authorities in preventing refugees arriving in Indonesia by air. Instead they travelled by boat, a more dangerous route.

We made search to come here, people smuggler names known. Most people had their names, addresses, phone numbers (Nazek).

According to both participants and witnesses, people smugglers often waited in the arrivals halls of airports in transit countries such as Malaysia and Indonesia to meet potential customers. If the smugglers were not there, participants and witnesses were able to contact them using phone numbers previously obtained. After making contact, the smugglers directed or took the refugees to hotels, arranged visas if required for the next part of their journey, and referred them to their smuggling partners in Indonesia. As Anness explained;

Ten days in Malaysia, deal with agents to bring to Indonesia. They gave me option; you want to buy boat, visa, passport, go by land, air; multiple choice.

The Indonesia-based smugglers were able to arrange Indonesian visas for refugees in Malaysia. On this point, Ameer described two phone conversations that took place with a smuggler who was in Indonesia. During the first call, Ameer was still in Amman, Jordan. The smuggler told Ameer to go to a particular hotel in Kuala Lumpur and wait there while the smuggler organised paperwork. Ameer said that he called the smuggler from Kuala Lumpur as instructed. This time the smuggler told him to go to the Indonesian embassy in Malaysia after three days and collect his visa for Indonesia.

Chatelard (2002: 33) reports that while at one extreme some agents or smugglers dealing with Iraqi refugees in Jordan encouraged women to enter into prostitution to pay for their onward journeys, others operated for humanitarian reasons. In similar vein, Icduygu (2005) refers to the trust and empathy at times apparent between smugglers in Turkey and their customers that soften the exploitative nature of smuggling.

In some instances, the people smugglers or those connected with them, were refugees themselves. In my study, some participants and all of the witnesses had their trips arranged, or partially arranged, by UNHCR-registered refugees from Iraq who served sentences in Australian jails for people smuggling offences. These men became involved with people smuggling while they were in Indonesia. People smuggling is not a criminal offence there and each claimed they were helping other Iraqis reach the safety of Australia. In the case of *Al Jenabi*⁴², the court accepted his primary motivation was to arrange safe passage to Australia for members of his own family. In *Daoed*⁴³, a Sabi Mandeian refugee convicted on people smuggling charges, it was evident he took a particular interest in the welfare and wellbeing of other Mandeian refugees (see Hoffman 2005). In *Asfoor*⁴⁴, a prosecution witness who had befriended the smuggler to facilitate his arrest by the AFP spoke positively about Asfoor's motives. The witness acknowledged that Asfoor appeared to have a genuine concern for the refugees and wanted them to get to Australia where they would be safe⁴⁵.

⁴² *The Queen and Al Hassan Abdolamir Al Jenabi* [2004] NTSC 44, sentencing remarks accessed from <http://sievx.com/articles/sentences/20040921THEQUEENandALHASSANABDOLAMIRALJENABI.html>

⁴³ *The Queen and Khaleed Shnayf Daoed* [2005] Supreme Court of Queensland.

⁴⁴ *The Queen and Keis Abd Rahim Asfoor* [2006] District Court of Western Australia.

⁴⁵ *Asfoor*, 3517.

Other witnesses and participants also praised Asfoor. Ameer said he respected him.

Mohammad, Hadeel and Fajjer said he was a good man, with Fajjer adding “If smuggler not stealing then he helps people. <This smuggler>, if people don’t have money, he brought them free.”

More broadly, the risks, financial and physical, were ameliorated if the refugees travelled on boats organised by smugglers who, for whatever reason, had regard for their passengers’ wellbeing. Bahaa benefited from a personal connection to the smuggler, saying:

I knew a friend of the smuggler in Iran. The smuggler rang to check. That friend said he knew me, so I didn’t have to pay.

Najah recounted how the smuggler who arranged his passage came to the rescue when the boat broke down. He said:

After two days, we’re in Indonesian waters, broke down, engine, leak....smuggler responsible for the boat...boat blown to the shore. Phone smuggler who brings another motor and pump to get rid of the water. On TV internet, we see <reports that> our boat has sunk. We stay in the sea 23 days...Smuggler come <again> and bring food and new supply, new motor.

Bahaa recognised that smugglers were more likely to be concerned about safety aspects if they had a relative on the boat. He said:

I'm scared of the ocean...I feel trip is safe because <the smuggler's> brother is on the boat.

Despite these positive experiences, the majority of participants and witnesses were critical of the smugglers with two thirds of those commenting expressing negative views.

Noor said “I knew the word ‘smuggler’ but didn’t realise what they are like. Now think of them – just about money, didn’t help people, just want money, liars.” Or more succinctly from Nezal, “View them as criminal.”

Many realised their vulnerability exposed them to exploitation. Safaa recalled that:

People wait for us outside airport, take us to hotel. Someone come to see us in hotel, ask for money. Just want money, don't care. So I refused to pay. People smuggler wanted a lot of money. I said won't pay till in the boat. Others paid and told me to pay. <But> worried that people smuggler take the money and nothing happen. So I went to the streets and ask in Jakarta. Saw people who'd been there 6 months or 1 year and all tell me different stories.

Aahad's account highlighted the inherent dangers of the trip and the difficulty of finding and travelling with a trustworthy smuggler.

After arriving in Indonesia October 2000, I try three times to go to Australia.

Went to coast, bad storm, cannot go. Another time police and immigration there, cannot leave. Maybe caught, arrested. We pay for three attempts, didn't get money back. Each time we advised by other people about which people smuggler, go to new smuggler and make a deal.

The smugglers' failure to take steps that would have made the dangerous sea crossings safer put the refugees' lives directly at risk. The reports suggest that while the smugglers were well aware of the poor conditions of the wooden fishing boats used for the journey from Indonesia to Australia, they lied to the passengers about them. Safaa said:

People smuggler bring video camera and show us the boat, like rich people's boat...old boat, overcrowded, not like on video... Indonesian guys, captain, just had small compass, no radio, no technology on the boat.

Najah had a similar experience with a smuggler. "Before we see boat, he tell us boat very good, safe condition. We see miserable small boat."

It was common practice for the smugglers' boats to leave late at night when it was dark. Although this was done to avoid authorities, it meant the refugees could not see the

condition of their boat until it was too late. The refugees would gather at the embarkation point to be ferried in small boats to larger boats moored offshore. According to Norres' account:

<The smugglers> brought photos of the boat we were to get on: very large, 2 or 3 storey, five star boat...told us 'you will not get on the boat at the beach. You get on small boats that will take you the next boat, then on that to the main boat'. When we got on the boat, we thought it would take us to the main boat. But it was the <main> boat.

Three participants reported that smugglers misled them about the duration of the journey:

"Got on a boat to Australia. Four days they said. Twenty one days or more" recounted Ethar. Noor said "They said 30 hours. It was eight days." Bahaa remembered that:

Smuggler told me wrong information, that trip take just 20 hours. We start at 5 in the morning. I talk with smuggler's brother <who is on the boat> after 12 hours, 5pm. He said, if nothing happens, we will be at Christmas Island tomorrow afternoon, 36 hours. When I heard that, I start to vomit, I feel dizzy. Then someone wake me up. "We're here".

The sea crossings

Participants knew in advance that the boat journeys would be risky. As Nezal said "Very dangerous trip but what can we do. Husband said to me, you know this is dangerous, I

said, I agree.” They also knew they had little or no option. As Nazek said “Just needed to get on. Cannot go back to Iran or Iraq. Do that, be killed or prison.” For Charef at least, the promise of the future outweighed concerns about the sea-crossing.

Never afraid on the way. Whatever on the way, not as danger as the danger I'd been through. I'm heading for safety, peace. Not doing anything wrong. Didn't expect any danger except for the ocean. Only time felt death is very close – if boat broke down, that's it.

Nazek recalled her thoughts as she and her family embarked on the dangerous sea voyage. “Good, I with my husband and children. If we die, we die together.”

The dangers of the journey, as they travelled on badly-equipped, wooden fishing boats were widely recalled. Thirteen participants reported engine breakdowns, leaking boats, getting lost and running out of fuel. The following comments come from two of the four participants who were on boats that sank. The first quote is from Anness whose boat was still close to Indonesia when it sank.

Journey to Australia, small boat, 40 people. Travelled 12 hours and boat sank. We in sea at night. Scared to death. 3 year old girl drowned. One friend swim for 20 or 30 metres, saw a fishing boat. The fishermen were repairing the boat. They threw a line to him, and told them “help, help”. They send a small boat to collect us, one, two at a time. During that period, little girl drown. Dark, we couldn't see.

Norres was one of a group of passengers who left the ill-fated SIEV X before it sank.

...waves high. Boat began to break up, water started to come in...I was unconscious. I was sitting on the floor and behind me a piece of wood came loose. I was scared, thought I would fall into the sea. We smell smoke and bad smell of burning. It didn't seem that we would arrive... Saw a fishing boat, called to them. 23 Mandeans left.

Ship <we had been on> had sunk but we didn't know. We hear police capture the boat, then we hear it sank, then we heard it arrived. We didn't know. We decided to try again to go to Australia. After 2 – 3 days we heard the news, the ship definitely sank, very few survivors 40 – 45...Once heard the news, didn't want to try again.

Intercepted boats

Travelling on the wooden fishing boats arranged by smugglers was inherently dangerous because of the conditions of the boats, and lack of safety and navigational equipment.

Australia's policy of intercepting boats once they entered Australian waters placed passengers at further risk.

Messar was on a boat returned to Indonesia by the Australian navy. His account illustrates the determination of the navy to ensure the boat went back to Indonesia, and raises questions as to whether the safety of passengers was given due regard. He recounts

how, after the naval escort left, it took his boat four hours to get to within 300 or 400 hundred metres of the Indonesian coastline, and six hours to cover the final few hundred metres. By this time the boat was barely seaworthy and its passengers exhausted.

Engine of boat broken down. Boat was tired, broken. Navy sent mechanics to repair the engine. 3 days they tried to repair it. Can only repair 2 engines. After two hours broke down again, so only one working. Only one meal in three days, navy gave us meal on third day. No food. Maybe 15-20 kids. Only have water, water sufficient. We have biscuits, little cakes, snacks to survive.

...Ten days journey on the water then three days with soldiers, all very tired just sit and wait... During the three days, they hit us, especially those who were difficult. They brought video, turned it when problems. They video people shouting or fighting not when people calm.

... Very difficult to erase from my mind – in between life and death. They left us in the sea – not on the shore – still our boat in bad condition. We think we go to our death. Very scared that last engine break down, we sink, no-one can help us. After navy left, took us 4 hours to get to Kupang coast. Very slow, broken engine...6 hours last 300 to 400 metres...We cannot get off the boat, too far from the land. Everyone did have lifejackets, but we are too exhausted, too tired to swim if boat went down.

Felak and Fajjer had been on SIEV 4, the boat intercepted by the navy at the centre of the 2002 Senate inquiry into ‘A Certain Maritime Incident’ discussed earlier in this chapter. As previously mentioned, the refugees were kept on their boat while it was under tow for 24 hours rather than taken to the safety of the naval vessel. When the fishing boat broke up, all its passengers ended up in the water. According to Fajjer, even then there was a delay in effecting their rescue.

Australia tell us, stop – soldiers come to boat. Boat stop, everyone stop, no petrol no water. Then big storm, rain. Australia gave us life jackets, doctor looks at kids. Big storm, water in the boat, boat sank, people in the water. Soldier tell us – can’t save us unless call from government.

Three year old in the sea. One child 20 days old in the water. Leader of ship says can’t save until Canberra say yes – but stay with us, keep talking

30 minutes – save just children. They take daughter to big ship. After 2 hours, start to save women. In the water 5 – 6 hours for men. Lots of people, all scream, water takes people away – take away 3 kilometre.

The Senate inquiry report records that SIEV 4 passengers were rescued within two hours (Senate Select Committee 2002a: 36-39) whereas Fajjer said the men were in the water for five to six hours. It has not been possible to account for this variation. None of the SIEV 4 passengers gave evidence at the Senate Inquiry which took place when they were

in detention on Manus Island, Papua New Guinea (Senate Select Committee 2002a: xv-xvi).

Reflecting on the boat journeys

Caught between the competing agendas of smugglers and government, the participants and witnesses were placed in great danger, which some realised beforehand and others came to realise once they were on board smugglers' boats. As noted, hundreds of refugees have died in the sea crossing between Indonesia and Australia.

While public blame has been variously targeted at the refugees for choosing to travel with smugglers; at smugglers for running unsafe boats; and at the Australian government for its deterrence policies, there is the underpinning reality that refugees, with little to lose, are driven by their need for a permanent, safe place to live. This provides a business opportunity for smugglers and an issue to be managed by government in the name of national security.

I have noted that some of the smugglers who organised the participants' journeys were themselves Iraqi refugees. I gained the impression (and this was confirmed to some degree by the testimony of Khaleed Daoued during his trial [see Hoffman 2005]) that they became involved in smuggling not only because of financial gain or the opportunity to assist other refugees, but to alleviate the boredom they faced in Indonesia. From informal conversations with participants and other refugees who were there for extended

periods, it is clear that without work rights and the money to do things, time weighed heavily on them.

It should also be noted that in Indonesia around 2000, there was little official interest in the refugees, people smuggling was not an offence, and corruption was widespread. So within the Indonesian context, the smugglers' activity was not considered to be as heinous as in Australia.

Whereas the Australian government threw significant resources at stopping smuggler operations, and condemned all smugglers equally, there was a degree of ambivalence on the part of the refugees, many of whom acknowledged that some smugglers were better than others.

The refugees had left Iraq in fear of their safety, and suffered ongoing anxiety and uncertainty in the countries of first asylum which continued after they reached Malaysia and Indonesia. Their fear became acute when they boarded the smugglers' boats; for many as discussed above the boat journey was simply terrifying. For those who made it to Australian waters, their hopes were high that their long and troubled journey was about to end. In the next chapter I discuss how they were treated on arrival in Australia.

CHAPTER 10

Arrival in Australia

I came seeking help like the child <going> to mum to hug; the feeling is safe (Charef)

Introduction

At the time of their interviews, the fourteen participants who had reached Australia had been here for approximately six years. They were by now home-owners, small business people, factory workers and students. A few men who arrived alone had since been joined by their wives and children while others were still waiting for applications through the family reunion program to be finalised. Although they were at different stages of establishing secure foundations for themselves and their families in Australia, all but one of the participants at the time of interview had been granted permanent residency. All had experienced immigration detention, either in Australia or on Papua New Guinea under the Pacific Solution, and with two exceptions had previously held TPVs. They shared with me their early experiences in Australia, but before turning to these, an overview of the policies which affected them follows.

Indefinite mandatory detention

Between 1999 and 2001 there were mainland immigration detention centres located at Woomera in South Australia; Perth, Derby (Curtin Detention Centre) and Port Hedland in Western Australia; Melbourne (Maribyrnong Detention Centre) and Sydney (Villawood Detention Centre). The custom-built Baxter centre also in South Australia was commissioned in 2002. Curtin, Woomera and Baxter were located in remote desert areas. Port Hedland detention centre was situated in a town 1,600 kilometers north of Perth. The

offshore centres were on Christmas Island, Nauru and Manus Island, Papua New Guinea. The Nauru and Manus Island centres constituted the Pacific Solution. As of 18 September 2001, there were 3,271 people in mainland detention centres of whom 721 were children (Smith 2001). Participants interviewed for this study were detained in Port Hedland, Curtin, Woomera and Manus Island.

Curtin and Woomera were closed in 2002, Port Hedland in 2004 and Baxter in 2007. The detention centres on Manus Island was closed in 2004. The centre on Nauru was kept open until 2008 although it had last accommodated just two detainees in 2006. The centres in Sydney (Villawood), Melbourne (Maribyrnong), Perth and Christmas Island continue to operate with an additional high-security facility on Christmas Island which opened in 2008. During 2010, new or refurbished detention facilities have opened in various locations across the country, including Leonora and Curtin in Western Australia and Darwin in the Northern Territory (Neumann 2010).

The Migration Act 1958 sets out that a person can only be released from detention on grant of a visa or removal from the country, and at the time of writing it is lawful for immigration detainees to be held for indefinite periods which can mean for life (Briskman et al 2008: 315). Under the Howard government, some detainees were held in detention for only a few months, thousands were held for periods exceeding one year, and a few hundred detainees were detained for periods of four or more years with the longest serving detainees held for seven years (Bailey 2008: 113). One child was held in

detention for almost five and a half years (Human Rights and Equal Opportunity Commission 2004).

Briskman et al make a number of important points in relation to that period. While there were differences in how centres operated, generally new arrivals were held separately from the main body of immigration detainees to prevent them learning what to say and not say in furtherance of their claims. They did not have easy access to lawyers, and indeed at times were prevented from communicating at all with the outside world. The Immigration Department did not have the capacity or the will to assess claims quickly. There were consistent reports that detainees waited over six months before being interviewed for their asylum application, these delays contributing to demonstrations, hunger strikes and riots that became endemic over time. Former detainees have claimed that they staged demonstrations simply to bring public attention to their plight. There were also reports from all the centres of brutality and callousness towards detainees. Certainly their mental health suffered; the numerous reports and research into the effects of indefinite mandatory detention put this beyond doubt (Briskman et al 2008.)

Riots, hunger strikes and lengthy processing times have characterised immigration detention centres since at least 1992 and continued through 2004 and beyond (see Briskman et al 2008: 158-174; York 2003: 60). The adverse impact on mental health of immigration detention has been well-documented (Dudley 2003; Silove et al 1993, 2000, 2001; Steel et al 2004b, 2006; Sultan & O'Sullivan 2001). The particularly harmful effects of detention upon children were detailed in a report by the Human Rights and

Equal Opportunity Commission (2004). These and related issues are revisited in the next chapter which considers the trauma associated with each stage of the journey concluding with arrival in Australia.

Temporary Protection

After being assessed as refugees, asylum seekers released from detention from November 1999 onwards were granted TPVs (rather than permanent as had been the practice before October 1999). TPV holders, unlike other refugees, were unable to access Commonwealth-run English language classes or access services provided through Commonwealth-funded Migrant Resource Centres. However, access to free torture and trauma counselling continued to be available to all refugees, regardless of visa class. TPV holders were not able to attend TAFE colleges, and initially could only attend university as full-fee, overseas students which effectively barred them from tertiary education. To counter this, in 2002 some universities around Australia began offering a small number of free places to TPV holders (see Briskman et al 2008: 330).

TPV holders were ineligible for Centrelink's Newstart Allowance. Instead unemployed TPV holders were paid Special Benefit, a discretionary payment which was paid to TPV holders at a rate equivalent to 90% of Newstart Allowance. They were also unable to access various schemes available to Newstart recipients to help them find employment. TPV holders have reported that their temporary nature made employers reluctant to take them on (Asylum Seeker Resource Centre 2005: 25)

The harshest restrictions attached to TPVs related to family reunion and travel rights. All other refugees with permanent protection could apply for family members to join them, and were permitted to travel overseas and return to Australia. These rights were denied to TPV holders with the result that they were unable to be reunited with family, either in Australia or overseas, without losing the right to live in Australia (Briskman et al 2008: 330). Given this, TPV holders were faced with two harsh choices; stay in Australia without their family or forfeit the right to live here.

TPVs were for a fixed duration of three years. After 30 months, TPV holders could lodge applications for permanent protection. In 2003 a moratorium was placed on Iraqi TPV holders' applications for permanency as the Australian government anticipated the downfall of Saddam would allow them to return to Iraq. When it became apparent Iraq would be unsafe for many years to come, the moratorium was lifted. This was estimated to affect 3,600 Iraqis TPV holders (see Blount 2004: 13). The moratorium created a backlog of applications. In June 2005, under pressure on refugee issues from its own backbenchers and in the wake of the Cornelia Rau scandal (see Palmer 2005), the government committed the Immigration Department and RRT to processing outstanding applications by 31 October 2005. While this target was met, some applicants had to wait beyond that date for the completion of security assessments (Georgiou 2005: 167-168). As a result Iraqi TPV holders did not get permanent protection visas until 2005 and 2006, between four and seven years after they arrived in Australia.

Resistance

The Howard government demonstrated its reluctance to grant permanent residency to Iraqi (and other) refugees who had arrived by boat because of their mode of arrival. It dedicated significant resources towards preventing their arrival, and when this failed, trying to find cause to send them back. The campaign against the refugees by the government was fought on many fronts, using the armed forces, the media, the public service and the law. Ultimately the government was unsuccessful, with ninety per cent of Iraqi boat arrivals in the 1999 to 2001 period able to stay.

One of the effects of the harsh treatment of boat arrivals was the development of an opposition movement drawn from across the social spectrum. Conservative church groups joined forces with radical student activists as apolitical medical practitioners were politicised. Support for refugees came from unexpected sources with well-connected business people speaking on their behalf⁴⁶. The backlash against the policies and the scandal that erupted after the wrongful detention of an Australian resident, Cornelia Rau, became known (see Palmer 2005) created a momentum for change within the system. Here was an example of how power becomes diffused throughout the wider community and is located in the interplay between centralised government and the community. Rather than government changing the behaviour of the population or subsets within it, community groups harnessed their collective power resulting in the government moderating its policies.

⁴⁶ One such businessman, Dick Smith, was a vocal advocate for Peter Qasim, a Kashmiri refugee detained for seven years.

Participants' accounts

Impressions of Australia

While the focus of the interviews was more on the participants' journeys rather than their experiences upon arrival, most of those interviewed in Australia made reference to their early experiences in Australia. It was at this stage - their initial contact with Australian officialdom and personnel - that participants were able to assess their hopes and expectations against the reality of approaching Australia as refugees without pre-arranged visas.

In Chapter 6 I considered why participants and witnesses had left Iraq. Their reasons for seeking asylum in Australia were distinct and separate from their reasons for leaving their homeland. While a few had decided to seek asylum in Australia when they were in Iraq, the majority made this decision only when they came to the view that they were unsafe in countries of first asylum. Their reasons for choosing Australia varied. In two cases, family and social networks were key as they had close family in Australia. Others were influenced by what they had heard about Western countries in general and Australia in particular. In this respect, their priority was to live somewhere where they believed they would be treated well. As Safaa said, "In Iraq, people spoke about Western countries as democratic, care about human rights. Just wanted a Western country." Nazek gave a similar account, saying "We heard Australia, new world, new country, freedom. They treat people as they deserve, democracy." Gadeer made a similar comment. "Many friends talk about Australia. Democracy, freedom, government gives to people."

The cost of the journey was also a consideration. Noor recounted the factors that affected his decision to come to Australia. "Between Australia and Europe, I choose Europe, closer to Iraq...<but> come to Australia because cheaper than Europe." Anness believed the journey to Australia would be easier and safer. "Going to Europe difficult. Journey through Turkey, hard to do that, maybe walk ten days, be arrested. We thought Australia simple, no danger." They had however limited knowledge of Australia. According to Nezal, he "...knew nothing about Australia, no idea. Before, saw some movies. Don't know the life." Safaa offered a similar comment. "I know nothing about Australia. In Year 12 shown a map, see Australia, we eat cheese from Australia. That's all we know." Kefah relied on what he had been told. "I had no information about Europe, Australia. People told me Australia like Iraq; weather, people nice in Australia."

They were hopeful about their reception in Australia. "Our dream and hope <was> that Australia would receive us" said Gadeer. And from Ethar, "I thought we'd get a good welcome because...joining the family." Safaa put his faith in the Australia government. "Just thought government of country would help us." As they approached Australian territory, their spirits lifted. Kefah said "When we saw <Australian> plane, new hope, consider it a new life." Charef was equally hopeful. "Arrive...feeling like birthday. Now I'm born again. New think, new life, new feeling."

For some, the first impressions were encouraging. Bahaa recounted what happened on arrival. "We arrive Christmas Island. Immigration staff put us in sports hall. We start to play basketball. Good reception. They bring us Muslim people, halal food, a small

mosque.” Nazek was impressed by his first real meal in Australia. He said “We reach Christmas Island. They bought us fish and chips in the evening. Very yummy, top quality.”

But there were early indications of what was to follow as Ethar recounted. “Australian Customs...were sarcastic, bad behaviour, like they were against us before...They searched us. Took our lotions, like showing authority or power.” Safaa realised all was not well on the plane to the detention centre. “Five or six of them watch us on the plane...ACM guard take us to the toilet like we’re criminals. First sign there’s a problem.”

Nuhad described the situation at more length.

They took our clothes and bags. Brought rubbish bags, told us to put things in different bags. We could take combs, towel, toothbrush, a few things. Rest got thrown in bags. Some people had new clothes bought in Indonesia; perfume, cigarettes. Also had clothes we were sick on in the boat...People got own clothes back, unwashed the ones we’d been sick on. New clothes never given back to us. Lots of good things lost, we didn’t get back. People didn’t get their cigarettes back.

Immigration detention

The memories of their experiences of immigration detention were still painful for at least two participants. Nazek excused himself and left the room for a few minutes during my interview with him. His wife explained “He goes to cry when he thinks about detention.” Saffa said “When I remember, still get upset and sick. DIMA what they have done, hard situation.” He spoke about the fear he felt when he first sighted the detention centre.

When plane land, we saw dust, we surprised...saw detention centre thirty minutes drive from airport. Really scared now, like movie about Hitler, like what Saddam done too.

Charef told of the shock experienced by him and other new arrivals when they realised they were being kept away from other detainees, and denied access to the outside world.

About two months kept isolated from others in the camp who'd been interviewed already. No phone, radio, TV. No contact with the world. See only ACM, DIMIA⁴⁷ manager and interpreter. Big shock for everyone. Why kept from the world?

Because new arrivals were kept isolated in this fashion, they were unable to contact their families for a time. Charef said “After lock up, then moved into main area. Could ring family finally.” Safaa had to wait five months in Australia before being allowed to ring home. He tried other means of reassuring his family that he was safe and alive, to no avail. He said “DIMIA still say no phone contact. So I wrote a letter. They gave it me

⁴⁷ DIMIA is the acronym for Department of Immigration, Multiculturalism and Indigenous Affairs.

back.” Those who were taken to Manus Island, Papua New Guinea waited six months for a phone to be installed before they talked with relatives overseas. Their only option was to send a fax. Fajjer said “When first arrived, allowed to fax to let family in Middle East know we are OK.” But few families own a fax machine and so Fajjer enlisted the aid of an interpreter working in the detention centre. “Interpreter phone family in Middle East to say we OK.”⁴⁸

The physical conditions of the Manus Island camp were also a shock. Fajjer described an old building left over from the Second World War without air conditioning despite the oppressive heat. This was home for six months until air-conditioned caravans were brought in.

Safaa spoke at some length about his experiences in immigration detention and told of how the authorities responded to detainees who stood up for themselves.

Hunger strikes started with small number. Then more joined in till over a hundred or more involved. We want to die, had enough. All on the news, on TV. If damage fence, not to escape but to get publicity. To inform the public what is happening...People taken to prison, people scared.

Security, ACM happy, make party.

⁴⁸ Based on conversations I have had with an interpreter, interpreters were employed by the Immigration Department and as such were not allowed to assist detainees. Interpreters usually of the same country of the detainees were distressed by what they saw in detention centres and it was not uncommon for them to defy the department by providing direct assistance to detainees.

Safaa recounted how an Iraqi community leader was flown from Sydney to talk with the hunger strikers and how, ten days later, he and others who had been vocal during the meeting were separated from the main body of detainees and locked up in individual rooms. “Special security, no mattresses, no nothing. Taken into the shower to be showered.” He went on to talk about his shock and disgust at the treatment of an older women also held in solitary confinement. “An old woman there, used to pray all the time. She had spoken up when Iraqi community leader come up. They set up rock loud music in front of her room. Turned it up really loud, especially when prayer time. Old lady, about 50s.”⁴⁹

Overall, aspects of detention centre life reminded him of Iraq. “Management...ask people to give secret reports on each other, help your application <for visa>. Is like what Saddam did in my country...When I remember, still get sick and upset. DIMIA what they have done, hard situation.”

He gave another brief but evocative insight into that period, concerning the-then Immigration Minister. “I saw Ruddock, he visited. We thought he would meet with us, tell us what happening. He walk through middle of detention centre protected by guards. People call ‘Please sir, help us, please, please’.” Their calls were ignored.

Nuhad told of how the detention experience impacted on children, saying “It affected their life, not stable like other children. <A teenage boy> still on pills and

⁴⁹ An Iraqi friend advises me that the Arabic word often translated to English as ‘old’ does not necessarily imply chronological age; rather it suggests maturity, wisdom and life-experience, and therefore might be used to describe anyone over 40 years of age.

medication...bedwets. He remember teacher at detention – she was severe and yelled at kids. Made kids scared. Even now he doesn't like women teachers, men teachers OK.”

Participants were released from detention after receiving their protection visas. Safaa recalled how little assistance or preparation they were given at this time by authorities, instead receiving support from a Perth-based refugee welfare group. “They gave me \$50 and <said> ‘you will be on bus for 3 days’... We know nothing. When we come to Perth, met by DIMA. Then CARAD⁵⁰ meet us and help.”

From temporary protection to permanent protection visas

As Ethar expressed it, “there are stages, like release from detention, getting a TPV.” The stage following the TPV was permanent protection which entitled the visa holder to the same range of benefits available to other refugees and the wider community. But until that point, participants were acutely aware of how TPVs set them apart.

All but one of the participants were granted TPVs on release from detention. They were dismayed when they understood the restrictions attached to these visas. “Almost one year in...detention centre....then had to deal with TPV” said Charef. Ethar told of the impact of being granted a TPV. “Then it hits you. You can't study, get job or travel...TPV can drain you, destroy your hopes. It's dangerous, very dangerous.” With a few words Nezar encapsulated how TPVs affected him. “Feels like big jail.”

⁵⁰ CARAD, a Perth-based agency, was formed in 2000 to meet TPV holders released from detention. Similar organisations formed up in other capital cities.

Concerns about family

The family reunion restrictions attached to TPVs affected participants in a number of ways. They were concerned about their families' safety and welfare and how the families would manage financially with the main breadwinner overseas. As Charef said "I had to keep supporting family in Iraq; regime and general situation." Safaa was in a similar situation. He recounted that he had to "send money to wife and kids and mum too." This wasn't enough to make his family safe and there was a limit to the practical help that Safaa could provide from a distance. "Given TPV three years, I had big trouble, wife and kids. I have no brother or money to get my family out of Iraq. I tell my family to be patient."

The extended separation created tension as the families did not understand why they could not join their menfolk in Australia or why the men could not visit them. Safaa acknowledged that the long separation had affected his feelings for his wife. "Far away from my wife, don't care." His main concern was for his children, one whom he had never met. "It's about the kids, think about the kids. 3 girls... Wife was pregnant when I left, haven't seen the youngest but talk to her on the phone."

Kefah also missed his children and grieved for the years without them as they changed from children to young men. "Six years on my own, 2 boys were <little> when I left."

At least one wife left behind doubted whether she would ever be able to join her husband. Ethar said about her “her husband in Australia on TPV. She had no hope, believed he was on TPV all the time.”

Two participants had not lodged family reunion applications at the time of interviews. In one case, Najah feared what might ensue after such a long period of separation. “My wife and kids in Iraq, don’t know what will happen”. The other, Charef, delayed lodging his application as he was scared it might be unsuccessful. “No family here, if refused too bad a shock, afraid to apply.”

Living as single men was particularly difficult for participants who were not used to being on their own⁵¹. They found it lonely and bleak. “Life here is difficult, isolated. I live like a man in monastery, like a monk” Najah said. Kefah found his life without his family joyless. “Go work, come back, clean home, wash clothes, cook myself, very hard.” He told how he tried to stay positive and his hopes were realised as his wife and children had arrived in Australia shortly before my interview with him. “Always hope; look to future, I didn’t give up.”

Learning English

Participants explained how they were determined to learn English, despite being barred from English classes available to other refugees and migrants under Commonwealth-

⁵¹ According to an Iraqi contact, it was unusual for Iraqi men to live alone and common place in southern Iraq that when a man married, his wife would come to live with him in the home he shared with his parents and siblings. This state of affairs continued after children were born. When the house became too crowded, he or his married siblings considered setting up their own homes, preferably close to their parents’ home.

funded programs. Safaa recalled “When we first released, wish we had right to enrol TAFE, get at least English course. But unfortunately no.” Church groups and NGOs arranged English classes for TPV holders which were run by volunteers with no experience of teaching English as a second language. While Safaa appreciated the sentiment behind these classes he found them of limited use. “Very poor level of teaching...went there once or twice, something to do better than nothing but not satisfied.” He went on to explain how he gained competency in English, first pointing to an Arabic-English dictionary which he jokingly called “My best friend.”

Australian community especially older people, senior people, speak clear. They have no-one to talk to, they want company. I got a job where everyone speak English. Then I got an Aussie girlfriend, very helpful to learn English.

Bahaa demonstrated a similar resolve to master the language.

Focus on learning English. I know must learn the English to be successful. I talk with everyone. I force myself not to use interpreters in bank, Centrelink, everywhere. I want to learn...Dealing with Australians, I get friends and develop my language.

Work

Participants were keen to find work. Many were successful despite having no English. “When I left detention centre, two to three weeks to find a job” said Kefah. Obtaining

work quickly buoyed their spirits, as Charef said. “I found a job very quickly after arrived, that made me feel great.”

After the initial relief at being employed, some participants found themselves conflicted as they would have preferred to study to obtain Australian qualifications necessary to work in the fields they were trained for in Iraq. But they faced financial and language barriers. Those who were providing financial support to families overseas could not afford not to work, and as TPV holders they had to pay for education as overseas students.

Charef outlined his predicament. “If I continue study, still need to work, but can’t do it if study fulltime so won’t get enough money, have to pay full expenses on TPV.” Safaa faced a similar situation and hoped it would get better for him in the future. “Now I can’t stop work to study because need money. Once wife and kids here, maybe I can study again.”

Four participants referred to the impossibility of obtaining work in their chosen fields because their qualifications gained in Iraq were not recognised and the difficulties inherent in studying for Australian qualifications. Nezal’s comments hinted at the less-obvious factors that in combination were barriers to obtaining professional qualifications. “Part of me back in Iraq. If family here, I wouldn’t think about Iraq. Can’t study, English not so good and I forget things, worry.”

Bahaa was determined to make the best of his life in Australia. Unable to afford to pay for education, he decided to pursue another route. He applied for assistance under the New Enterprise Incentive Scheme (NEIS) which helps unemployed people start their own business, only to find that as a TPV holder, he was ineligible. “NEIS allows income support for twelve months but I’m not entitled to this because on <TPV>...DIMA contact me. Tell me to wait till permanent visa then entitled to NEIS allowance.”

He expressed his disappointment and regret at the lost opportunity for both himself and Australia. “Government made mistake with us. Many of us uni degree holder. Just need a bit of skill, language, trade licence.” It was seven years before he received a permanent protection visa and access to the affordable education that came with permanent residence. “Too hard to start new skills now. Seven years ago, different matter...Still love Australia, a safe place for family and me. But sad, not able to offer something for this country.”

Attitude to Australia – its government and its people

The participants’ views of the Australian government were distilled through their experiences of detention centres, TPVs, family reunion program, the Pacific Solution, children overboard and SIEV X. Many had been waiting for visas in one form or another for many years. This is illustrated by the timeline below which is based on the experience of one Perth-based Iraqi who did not participate in the study.

<i>Event date</i>	<i>Event</i>
<i>November 1999</i>	<i>Arrival in Australia, placed in detention.</i>
<i>1999/2000</i>	<i>Applied for a protection visa and was refused, and appealed to the RRT.</i>
<i>October 2000</i>	<i>Granted a 3 year TPV and released from detention.</i>
<i>2003</i>	<i>Applied for a permanent protection visa. Processing of this application was suspended because of moratorium on all permanent protection claims by Iraqi TPV holders.</i>
<i>November 2004</i>	<i>Attended interview with the Immigration Department for a permanent protection visa.</i>
<i>December 2004</i>	<i>His application for a permanent protection visa was denied and he lodged an appeal with the RRT.</i>
<i>April 2005</i>	<i>His appeal was heard by the RRT.</i>
<i>August 2005</i>	<i>His application was granted and he received a permanent protection visa. He immediately arranged to travel overseas to a safe third country to be reunited with family</i>
<i>December 2005</i>	<i>Upon his return he lodged an application for a family member to join him in Australia.</i>
<i>June 2006</i>	<i>This application was refused.</i>
<i>April 2007</i>	<i>He lodged a second application for the same family member.</i>
<i>June 2008</i>	<i>His relative was granted a visa to come to Australia.</i>

The participants did not dispute the Australian government's right to check their identities and verify their claims. Charef said "Don't blame them. What I expect when come unexpected way <by> boat? They know nothing about me. I gave them time to investigate me." They did however question its treatment of them. "If you don't want me, send me away. Why put me in middle of nowhere?" said Safaa. An Indonesian-based participant, Anness, was particularly critical of Australia's harsh treatment of asylum seekers.

If you don't want to accept them, don't create more psychological harm for them, threaten people, to Nauru, Papua New Guinea...don't punish them in camp <detention centre> two or three years...There is difference between refugees and asylum seekers, and criminals. Refugees not criminals. Why detain them?

There were suggestions that the government was abusing its power. "They play game with us" Safaa said. Fajjer likened the Australian government to those of Iran and Iraq. "Every government same, this one better. In Iraq, Iran, government kill people every day...here they lie...government here better. Lies not kills."

Three participants commented on the Australian people and way of life. Safaa observed "Australians really nice people, help me a lot. People help me quick...surprise what the government done. And the people, huge difference." He valued other aspects of Australian life, particularly freedom of speech. "Here you can say anything, not in Iraq,

Syria.” Najah also appreciated the relative freedoms in Australia, saying “Consider Australia good country. Feel free, feel safe, no one interferes.”

Only Nuhad offered a different view. “Other people, our appearance, look at us different. Maybe we are wrong, maybe people OK. Same problems wherever we go. Iraq we felt second class. Iran, same thought and treatment. Australia same...Saying, ‘everywhere you go, sky is blue’.”

Reflections

What emerges strongly from the foregoing is the high level of stress experienced by participants after arriving in Australia, which should have been a time when they could put the worst of their problems behind them. In fact their insecurity and fear continued for years after arriving here. Although all participants who made it to Australia did eventually find stability in the form of permanent protection, the journey to that point was made very difficult by the policies of immigration detention and TPVs, and by the decision to delay the processing of permanent protection visa applications.

In particular, participants were dismayed by their treatment at the hands of authorities and the apparent indifference to their desire to contact family overseas to let them know they were safe. Participants also expressed shock at the conditions they met and the treatment they received inside the detention centres; these were far from what they expected from a Western democracy. One participant, Nuhad, gave an insight into the impact of detention upon children and how that experience left its mark on one child, who years later was

exhibiting signs of psychological disturbance. At the same time, the resilience and forbearance of the participants came through in that they had simply got on with their lives.

Successive governments have defended mandatory detention as being necessary for health and security checks in addition to its value as a deterrent (Silove et al 2000). However, there is no proof as to mandatory detention's effectiveness as a deterrent. It was introduced in 1992 and clearly did not deter the unauthorised arrivals who arrived between 1999 and 2001 (see Hoffman 2006). The Pacific Solution was also a form of mandatory detention but offshore. Detainees (because they did not reach the Australian mainland) did not have appeal rights to the RRT or Australian courts if their applications for refugee status were rejected. If they were found to be refugees, they were not automatically resettled in Australia, although most of the Pacific Solution detainees were resettled in either Australia or New Zealand ⁵² (Metcalf 2010).

Foucault (cited in Lippert 1999: 304) commented that authorities persist with the prison system despite its failure to achieve its stated aim. A similar judgment can be made of mandatory detention and TPVs⁵³. Neither was effective as a deterrent.

Some commentators are not opposed to a short period of detention for health and security checks to be undertaken. However, such checks do not justify indefinite detention, the

⁵² Of the 1,637 refugees taken to Nauru and PNG, 705 were settled in Australia and 401 in New Zealand (Metcalf 2010).

⁵³ TPVs were abolished by Rudd government in 2008. In 2010 the opposition party led by Tony Abbott promised to re-introduce them should the Liberal party return to power.

placing of detention centres in remote locations and the prison-like construction and atmosphere of immigration detention centres; detainees have not committed a crime. Yet the amalgamation of the imagery of detention centres, the use of security forces and the use of terminology such as ‘illegal’ creates that impression.

Detention also suggests that the government is in control when it comes to unauthorised boat arrivals. This can be appealing to sectors of the community who are concerned by the ‘otherness’ of refugees who look different, speak a different language and belong to a different religion. It also appeases concerns that unauthorised arrivals operate outside the system. They do not stay in the queue (which does not exist as discussed in Chapter 9), they use people smugglers and they are not deterred in their attempts to reach Australia despite the huge resources expended on trying to stop them. They fit O’Malley’s description of a group who are ‘a category of subjects who are politically and governmentally demonized and excluded’ (O’Malley 2002: 211).

The ‘otherness’ of the refugees may well factor in to the readiness of the government to lock them up and the acceptance of this by sectors of the community. However, it is also worth noting the arguments made by Bashford and Strange (2002) who point out that Australia has a long history of detention and confinement for non-criminals in, for example, quarantine and internment camps. The authors suggest that the rationale for such facilities combines notions of exclusion and inclusion with national security concerns. It appears a similar hybrid of reasoning can be applied to immigration detention

facilities where risk management practices in the form of health and security checks are undertaken before individuals are released.

Whatever the political rationale may be for the policies that targeted refugees who arrived without prior authorisation, the effect of those policies has been shown to be psychologically damaging. This is the major theme of the next chapter.

PART THREE

CHAPTER 11

Psychological impact

Very difficult to erase from my mind – in between life and death (Messar)

Introduction

The experience of refugees can be considered as falling into three broad stages – pre-flight, the journey to safety, and post-arrival in the destination country (Fazel & Stein 2002: 366). The pre-flight experiences of participants and witnesses included living under an authoritarian regime, war, torture, imprisonment and the death of loved ones at the hands of the ruling regime. Their journey to find safety meant they had to abandon their homes, jobs, family and social networks for an unknown future. They travelled by necessity on false papers, often with the aid of people smugglers some of whose trustworthiness was questionable. Some tried to re-establish themselves in countries neighbouring Iraq but were unsuccessful. Many experienced detention in Indonesia. A different set of stressors came into play for the participants who arrived in Australia. They had to contend with detention, then TPVs while in a new country with unfamiliar customs and language, and without the support of family and social networks.

Here I consider the psychological impact of such experiences. While recounting their journeys from Iraq to Indonesia, on smugglers' boats and their early experiences in Australia, participants made many references to feeling unsafe and insecure, depressed, anxious and worried. Two participants were unwilling to talk about what happened in Iraq as it evoked distressing memories and others became upset and angry as they spoke

of these times. Various past injustices left their mark. One participant wanted UNHCR held to account for an incident he witnessed in 1991. Nevertheless while the past contained painful memories, it was their current circumstance or the immediate past that provoked the most visible distress. This was particularly salient for participants interviewed in Indonesia whose situation was still uncertain.

While there is a substantial body of literature concerning refugees' trauma and stress, much of it focuses on acculturation stressors faced by refugees after resettlement in safe countries (Yakushko et al 2008: 167). There is little research into the stressors faced by refugees during their flight due in part to the inherent difficulties of undertaking research with a transient group.

A number of themes emerged from the participants' accounts of how their experiences affected them. A constant was fear at all stages in their journey. It varied in intensity but was never absent. This combined with an ongoing anxiety which was greatly exacerbated by the uncertainties of their journey. Underlying these was a sense of depression and hopelessness, particularly apparent in the Indonesia-based participants. In the first part of this chapter, I provide a brief overview of each of these factors. In the second part, I turn to the ongoing stress and trauma experienced by participants by revisiting the specifics that cause stress and drawing from the relevant literature to point to the long term mental and emotional consequences of such experiences.

Psychological impact of the journey – an overview

Fear and anxiety

The persistence of fear through all stages of the participants' journeys is echoed in other research accounts. In her anthropological study, Green (1994: 227), for example, described fear 'as a way of life' that permeated Guatemalan society when torture and disappearances were commonplace. Even when living in relative safety in another country, survivors 'continued to live in a chronic state of emotional, physical and social trauma' (ibid: 246). The observation is consistent with the psychological literature which suggests that prolonged fear can distort perception as the fearful person begins to see the world through a prism of fear (Jarymowicz & Bar-Tal 2006).

When I met him in Indonesia some six years after the event, Messar was still haunted by what happened to him on a boat that had been intercepted by an Australian naval ship. His boat was escorted from Australian waters to Indonesian waters and left there.

Arrived Indonesia near coast 4am...Australian ship leave us. We cannot do anything, tired, sleepy, hungry, weak...Very difficult to erase from my mind – in between life and death. They left us in the sea – not on the shore – still our boat in bad condition. We think we go to our death.

At the extreme, participants feared losing their lives, particularly on the boats. But they feared other things too, in particular being returned to Iraq where torture and possibly death were almost certain to be their fate. Indeed it was to escape these that caused

participants and witnesses to leave their homeland. After deportation, the greatest fear was of being incarcerated, particularly for participants without papers. Anness recounted that he “couldn’t stay in Iran because no identity. We were scared, didn’t want to go to jail.”

The literature suggests that fear has long term, damaging effects. A person who is afraid is likely to seek reassurance and comfort in the routine and familiar (Jarymowicz & Bartal 2006: 372). Hence the journey itself, with all its uncertainties, was doubly a source of fear for participants. Nezal was terrified while in Indonesia. “In Jakarta, ten days stayed in hotel room, just waiting in the hotel, count the hours...scared and worried in Indonesia”. Nazek had a similar reaction.

Afraid, hiding, just waiting for people smuggler to tell us what to do. We are like sheep. Told go – we go. Told stay – we stay. Very frightened, we know nothing outside of our group.

It is well-known that when memories of past fearful events are invoked by current situations, feelings of dread, and physical responses such as sweaty palms and racing heart, reassert themselves (Maren 2005: 89). This made it difficult for some participants to talk to me about what happened to them in Iraq. The prospect of immigration detention in either Indonesia or Australia was especially threatening to participants who had been imprisoned in Iraq. Saffa recalled his first impressions of an Australian detention centre.

“Saw detention centre...Really scared now, like movie about Hitler, like what Saddam done too”.

Fear also manifested in unexpected ways. While most participants lodged applications as soon as they could for family members to join them in Australia, Charef did not do so, scared it might be unsuccessful. To avoid that which he feared, he did nothing.

Anxiety is said to come upon a person more slowly than fear, as it involves cognitive processing rather than the immediate, automatic responses of flight, fight or freeze attributed to fear. In situations provoking anxiety, a person will typically weigh up their options with associated risks and benefits and in so doing, trigger further anxiety. It can also amplify fear (McNaughton & Corr 2004).

Participants experienced high levels of anxiety at different stages of their journey, describing intrusive thoughts and an inability to relax. As refugees fleeing their homeland, they took with them only what they could carry. Some managed to establish themselves for a number of years in Iran but when the situation there became uncertain they had to move on again. Some reported that they had difficulty paying for food and shelter, or were worried that they would run out of money. Indeed, participants worried about family left behind, they worried about what the future might hold, they worried about how they would survive day to day, and they worried about the decisions they had made that had got them to where they were. Nezal's memories of time spent in Jordan illustrate the inner turmoil and conflict that dogged many others:

Suffered a lot in Jordan, like a prison, can't return to Iraq, can't stay in Jordan. If caught, deported Iraq, then killed. Always, thinking, thinking...

The worry and anxiety continued even after individual circumstances stabilised. As Nezal said “Part of me back in Iraq. If family here, I wouldn't think about Iraq. Can't study, English not so good and I forget things, worry.”

Depression and hopelessness

The participants in Indonesia experienced high levels of depression and hopelessness, over and above their fears and anxieties. The literature speaks to their state of mind – difficulty in maintaining interest and motivation, seeing the future to be bleak and dark, and life to be futile (Beck & Alford 2009). This was set against a background in which they found their lives in limbo, with no work rights, travel rights or family reunion.

Gadeer said, “We don't know our future. I feel depression here. Can't work, can't travel, stuck here.” A sense of hopelessness and despair permeated a group discussion, as the men expressed regret for the decisions they had made. One man said “We pass the sea, ocean, continent, we risk with our life. For what...we pass all this way and for what” while another said “The mistake of my life is to come out of my country, better I die there.” Anness summed up what others believed. “People here, lives ruined, destroyed. Forgotten people.”

They were also very concerned about how their situation affected the children. Kokeb emphasised that children especially were harmed by being held in Indonesian jails and

detention centres. Sabah said that both his children were depressed, with his daughter being most badly affected. As teenagers unable to attend school, they had little to do and little opportunity to socialise and make new friends. They were aware that their lack of education might disadvantage them for the rest of their lives and were ashamed of being in this position. He recognised that other children were similarly affected and as Taeseer recounted, concern for the children was an added burden for the parents.

Similar concerns were voiced by Australia-based participants with regard to Australian detention facilities. Nuhad's teenage son, for example, was traumatised by his time in detention. According to the Australia's Human Rights and Equal Opportunities Commission inquiry into the effects of Australian immigration detention upon children:

It is no secret that the institutionalisation of children has a negative impact on their mental health. The experiences of children detained for long periods in Australia's immigration detention centres prove this point many times over. The longer children were in detention the more likely it was that they suffered serious mental harm.

Children in immigration detention suffered from anxiety, distress, bed-wetting, suicidal ideation and self-destructive behaviour including attempted and actual self-harm. The methods used by children to self-harm included hunger strikes, attempted hanging, slashing, swallowing shampoo or detergents and lip-sewing. Some children were also diagnosed with specific psychiatric illnesses such as

depression and post traumatic stress disorder (Human Rights and Equal Opportunity Commission 2004: 13)

Adults did not leave detention facilities unscathed. Years after being released from detention, some participants were still disturbed by memories of that experience. This is consistent with the findings of a Sydney-based study conducted with a predominantly Iraqi cohort (94% of the 238 participants were Iraqi) investigating the impact of immigration detention and TPVs on mental health (Steel et al 2006). Of these, 154 had been in immigration detention. The authors found that 84 (54%) of this subgroup felt ‘extremely sad and hopeless when thinking about detention’ and 44 (28%) had ‘nightmares about things that happened in detention’ (Steel et al 2006: 62).

Steel et al (2006) also found that TPV holders reported greater stress compared with refugees with permanent protection visas. The TPV holders in their study remained fearful of being returned to Iraq, were troubled by being separated from family and found daily living more challenging. A participant in my study, Ethar, told of the impact of being granted a TPV. “Then it hits you. You can’t study, get job or travel...TPV can drain you, destroy your hopes. It’s dangerous, very dangerous.”

Stress and trauma, and loss

It is well known that the physiological changes that occur in response to a single stressful event are complex, affecting many systems in the body. Generally, these are protective by preparing the individual to respond to what confronts them. For example, through the

release of hormones the immune system is enhanced under an acute stress situation.

Afterwards the body adjusts and rebalances itself. However, being subjected to chronic stressors impairs the body's ability to adjust back to operating within a normal range. The physiological responses to chronic stressors have a compounding effect, with the potential to cause considerable damage, including irreparable loss of cognitive ability and weakening of the immune system causing greater susceptibility to disease (McEwen 2000).

Typically, the literature on stress suggests some kind of 'imbalance' between a person and their environment. Lazarus (2006), for example, writes that:

The person must desire something from the environment. In effect he or she wants to avoid certain outcomes as aversive or attain certain outcomes because they are congenial to the gratification of important goals and expectations. These are the relational meanings upon which psychological stress is based (Lazarus 2006: 60).

As an alternative approach to conceptualising stress, Hobfoll et al (1995) argue that stress is a consequence of the loss of resources, whether they be physical possessions; anchors of stability such as a good marriage or job security; reputation and respect; time, money and knowledge. They identify 'key resources', the loss or threat of loss of which creates the greatest stress. These include health, children, family and job. Loss then is the essence

of stress – whether it be loss of control, of possessions, of relationships or of status (Hobfoll et al 1995: 35).

As the authors point out, a single ‘event’ may result in many losses. Uncertainty may continue long after the event is over, and the ingredients of the uncertainty, if experienced as isolated incidents, would be generally recognised as stressful in their own right. In this way, an acute traumatic event can herald a chain of events leading to chronic stressors which continue to deplete resources (Hobfoll et al 1995: 35). This was previously the situation faced by participants and witnesses who endured a number of major separate stressful incidents in Iraq which led to them leaving that country, followed by years of uncertainty and insecurity as they traversed different countries hoping to find a secure and safe environment. Some of the participants experienced this twice. They were able to establish themselves in Iran and accumulate resources in the fashion of jobs, homes and education for their children only to lose them when the political climate changed and they began to feel unsafe again. Like participants who left Iraq later, they embarked on a journey with only what they could carry.

All participants experienced loss in many forms. For some, it was loss of a loved one that prompted them to leave for fear of their own safety. All suffered the loss of their homes, family and social networks, jobs and other markers of security. Charef’s father was killed, and his brother jailed. Aahad found himself in a situation he had never before experienced, penniless and homeless, forced to sleep on the street in a foreign country. As for Anness, he had made substantial personal sacrifices to become qualified in his

chosen profession but it now seemed an impossible dream. Other men lamented the lost and wasted years, seeing the years pass as they remained unmarried, without families and no hope for the future.

Seegerstrom and Miller (2004: 601) use the term 'chronic stressors' to denote circumstances which necessitate a major reordering of a person's life affecting their identity and/or place in society. People so affected do not know if or when the circumstances causing the stress will end. This provides another perspective on the situation faced by participants. Many of the participants and witnesses spoke of a good lifestyle in Iraq where they owned businesses, worked as professionals and belonged to large families. Once they left the Middle East to travel across south-east Asia, their careers and businesses were left behind, and they had to manage without the support of family in unfamiliar cultures where even the language was different. Their significant losses were accompanied by a major reordering of their lives.

Much of the research into the psychological impact of forced migration has been considered in light of trauma and the diagnostic markers for post traumatic stress disorder (PTSD). In setting out the diagnostic criteria, the Diagnostic and Statistical Manual of Mental Disorders IV (DSM-IV) makes reference to both the event and a person's response to it, stating that PTSD may occur after a person has 'experienced, witnessed, or was confronted with an event or events that involved actual or threatened death or serious injury, or a threat to the physical integrity of self or others.' The person's response involves 'intense fear, helplessness, or horror' (American Psychiatric Association 2000:

309.81). The studies of settled refugee populations indicate that refugees present with higher levels of mental illness, including PTSD, when compared with the general population (Davidson et al 2008: 161). Of note here, is that participants during their journeys and for a number of years in Australia were not permanently settled. They were having to deal with the ongoing insecurity and fear of being returned against their will to their homeland, as well as the stress associated with family separation and struggling to survive on a daily basis. The levels of PTSD and related conditions may therefore have been considerably higher for the participants in this study compared with the general refugee population. This is reflected in the findings of the study conducted by Steel et al (2006) referred to earlier, which reported that refugees with TPVs had higher rates of PTSD, depression and mental disability compared with refugees with permanent protection and residence.

While I was not conducting research to ascertain frequency or severity of mental health problems in the participants in my study, it was apparent from their demeanour that a number of participants were suffering from depression and anxiety. Indeed, as noted, some participants told me so and also indicated that their children were experiencing similar mental health problems. Another symptom of trauma is constantly reliving a traumatic experience, and this is the context of Messar's quote that opens this chapter who believed he was about to drown. When I met him, he was still acutely affected by this event which had occurred five years earlier. Nazek was also haunted by an experience from his past. Years after his release from detention, he started to cry when the subject came up as it did during interview. His wife explained this was his usual

reaction when he thought about detention. This is also a symptom of post traumatic stress (Steel et al 2006: 62).

Studies have also shown that amongst refugee populations, the highest rates of mental distress are found in those who have been tortured. Torture is one of the most extreme forms of trauma (Steel et al 2004a: 515). It was employed liberally in Iraq under Saddam. While I did not ask specifically about experiences in Iraq, some participants did disclose they had been tortured and one showed me his scars.

Overcoming trauma: what the literature says

In relation to recovery from natural disasters or mass violence, Hobfoll et al (2007) suggest that the literature indicates that stress continues while affected persons feel unsafe, and begins to recede when safety is achieved. Therefore ensuring people feel safe is of paramount importance if they are to recover after exposure to an extreme adverse event. Steel et al (2006: 60) argue that a ‘sense of security...seems to be essential for refugees to recover from trauma-related psychiatric symptoms’ and that ‘insecure residency and associated fears of repatriation contribute to the persistence of psychiatric symptoms and associated disabilities’.

Hobfoll et al (2007) identify the importance of building self-efficacy and self-empowerment in people caught up in extreme events. One of the characteristics of potentially traumatic events is that they are beyond the capacity of the individual to control, and can shatter a person’s belief in their ability to manage their own lives.

Therefore it is important for organisations and individuals providing support to survivors to assist them to regain control of their life and in so doing regain their sense of competency. Family also plays a crucial role in the recovery process. While a person is worrying about their family, they are less likely to have the internal resources to tend to their own needs. Further, the presence of loved ones creates a sense of safety and warmth, and an encouragement to continue and overcome adversity for the benefit of all. Hobfoll et al (2007) note that reconnecting with even one family member has been shown to assist in recovery from trauma. Conversely recovery is impeded if there are fears about the wellbeing of family members. A recent study conducted with Iraqi refugees settled in Australia found that their concerns for the safety of family still in Iraq had a significant impact on the severity of PTSD, anxiety and depression (Nickerson et al 2009).

Employment is another critical element in regaining hope for their future (Hobfoll et al 2007: 299). It means an income which can pay for accommodation and buy possessions. It provides routine and stability, and builds a sense of competence and self-worth. It allows a person the satisfaction of knowing they are providing for self and family. It also connects people to their community and can be the base for new social networks. It occupies the mind, providing a positive distraction from memories of events of the past (see McKee-Ryan et al 2005). In this fashion, employment contributes to a feeling of being safe and secure, necessary for the healing from trauma to occur.

Hobfoll et al (2007: 299) make the point that unless people who have been through extreme adversity feel safe, have the means to start rebuilding their lives and are able to

establish control over their daily lives, psychological interventions have little benefit.

Almedom and Summerfield (2004: 386) sum up the situation perfectly:

How people recover from catastrophe is a profound question, but the lessons of history are straightforward: 'recovery' is not a discrete process. It happens in people's lives rather than their psychologies. It is practical and unspectacular, grounded in the resumption of the ordinary rhythms of everyday life – familial, sociocultural, religious and economic activities that make the world intelligible.

Overcoming trauma: the situation of participants

The circumstances faced by participants were the opposite of those described above.

They made constant reference to feeling unsafe and insecure in the countries they traversed after leaving their homeland. Those in Indonesia described themselves as being depressed and stressed, and their situation as being hopeless. While most of the participants interviewed in Australia were more positive, they recalled that during the years when they were in detention and on TPVs, they felt insecure, unsafe and experienced anxiety and isolation.

Silove (2002: 294) observes how the fear and insecurities associated with events in home countries are conflated with current insecurities, particularly the fear of being returned to the country of origin. In just this way, the challenges faced by participants in Indonesia and Australia produced additional stress and uncertainty which continued for a number of years. These not only prevented psychological recovery but also made them susceptible

to the irreversible damage that can, under certain conditions, be a consequence of chronic stress (see McEwen 2000).

Rather than being given the tools to build self-efficacy and self-reliance, participants had few opportunities to exert control over their own lives. All those interviewed in Indonesia had spent years detained in immigration detention facilities before being moved to hotels or villas. As mentioned in Chapter 8, the small allowance they were given to buy food was barely adequate but they were not allowed to work. If they needed medical attention they were reliant on IOM. The inability to provide adequately for themselves and their families was particularly hard for the men, traditionally the providers. Without money or a job, each day was the same, with no hope for improvement or change. The lack of work rights was a major contributor to boredom and depression. Many participants felt that fruitful years of their lives were simply going to waste. Those with professional training feared losing the skills they had acquired along with any hope of resurrecting their careers. Single men were concerned they were missing the opportunity to find wives and start families. Those who had left their families behind in the Middle East had no means to support them from afar or be reunited, while those who had travelled with their families saw their children becoming depressed and shamed because of the lack of schooling and opportunity. This left the men troubled by guilt, feeling it was their decisions that had placed their families in this situation.

The separation from family and overall uncertainty about their future were identified by participants in Australia as a major source of anxiety, attributable directly to TPVs.

Years after release from detention, some still became distressed when the topic of detention was introduced, and teenage children continued to show signs of psychological distress which, according to their parents, were caused by experiences inside detention centres.

The indeterminate length of each stage added greatly to these difficulties. Participants in Indonesia had no idea how long they would be in that situation, and indeed, if it would ever improve⁵⁴. Mandatory detention in Australia was of indefinite length and detainees saw newer detainees granted visas ahead of them. Many participants were required to put their case for protection on numerous occasions. In Australia this occurred at the primary decision making stage when in detention, and if unsuccessful, to the RRT. The process was repeated some years later when participants on TPVs applied for permanent protection. Participants in Indonesia recounted that they made a number of applications for refugee status and resettlement. Steel et al (2004a) point out that refugee claimants can be retraumatised by retelling their story, especially in a formal setting and under questioning. Further, any challenge to their credibility can have a deleterious effect on mental health.

The normal and natural response for people facing stressful conditions is to use their own resources and abilities to try and improve their situation (Summerfield 2004). At every stage the participants and witnesses did this. However they were faced with sociopolitical

⁵⁴ At least one participant in Indonesia was still there more than 3 years after being interviewed. He was in a limbo situation for more than ten years and has seen people who arrived after him resettled in Australia. He was told that the authorities were waiting for security clearance which has been in process for more than two years. He was finally issued with a protection visa and resettled in Australia in December 2010.

realities that left them feeling vulnerable and insecure where they were, whether that was in Iraq, neighbouring countries, south-east Asia or Australia. The solution to their stress and anxiety lay in the simple expedient of allowing them to live without the fear of physical harm, a permanent home, family reunion, work rights and education for their children but for many years this was denied them.

Reflections on temporary protection and risk

Temporary protection for refugees was suggested by Pauline Hanson, the founder of the short-lived One Nation political party, in 1998. The-then Health Minister for the conservative Coalition government, Dr Michael Wooldridge, was heavily critical, and said:

Those views are deeply flawed and dangerous.

... creating uncertainty and insecurity as these views undoubtedly do is one of the most dangerous ways to add to the harm that torturers do.

It is even well documented that in pursuing domination, regimes that practise torture deliberately set out to create a climate of fear and chronic alarm by removing any sense of safety or control from those they seek to oppress.

The views and policies of One Nation would only continue the suffering of refugees who have been tortured and could well complete the insidious work that torture began.

... The very thing that those who torture seek to destroy most is a person's sense of hope. They seek to put in its place anxiety and fear, and a pervasive sense that the world is threatening and dangerous (Wooldridge 1998).

His criticism was echoed by former Immigration Minister, Philip Ruddock.

Can you imagine what temporary entry would mean for them? It would mean that people would never know whether they were able to remain here. There would be uncertainty, particularly in terms of the attention given to learning English, and in addressing the torture and trauma so they healed from some of the tremendous physical and psychological wounds they have suffered. So, I regard One Nation's approach as being highly unconscionable in a way that most thinking people would clearly reject (Ruddock 1998 cited in Leach & Mansouri 2004: 1).

Yet the following year, Ruddock introduced TPVs, an action that has been widely commented upon by critics of the government's response to unauthorised boat arrivals, usually with a strong sense of outrage. Here, my interest is in viewing the decision to introduce TPVs from a risk perspective. It is apparent that the government through these two senior Ministers were aware that TPVs had a high potential for adding to the harm

suffered by refugees. It seems that risk considerations were only taken into account inasmuch as they might affect government security. O'Malley (2008: 454) argues that there is no reason why risk-based governance cannot incorporate social justice concerns and also states that 'that nothing in governmentality deflects it from either political engagement or the development of alternative futures.'

In the concluding chapter I develop this line of thought, considering ways in which government can respond differently to unauthorised arrivals while keeping the management of risk at the centre of its deliberations.

CHAPTER 12

Unfinished business

Just want a normal life (Safaa)

The research at a glance

In summary, the narratives of the participants in my research depict not so much a situation where a person is afraid of one thing at one time, but a layering of fears – fear of being returned to Iraq, fear of being caught and locked up by authorities in transit countries, fear of being without food and shelter, fear for family, fear for the future. And many of these fears were realised. All participants experienced detention and poverty on their journeys. For some, poverty was a new experience and a shock as they had previously had a comfortable life in Iraq. Others, in contrast, had already experienced decades of instability. Dealing with smugglers was another source of stress and uncertainty. Participants did not know which of the smugglers, if any, were trustworthy and feared losing money they had paid in advance for the journeys. While some expressed their gratitude to smugglers for saving their lives, most were critical of them for lying about the conditions of the boats and the length of the journey. It was though, in the middle of the high seas, far from land and with water all around, that the fear became most acute. Typically, the boats were overcrowded, unsafe, without modern equipment and with crews that frequently lost their way. While some participants were unprepared for this, others were fatalistic; “If we die, we die together” (Nazek).

There were some striking differences between the interviews I conducted in Indonesia compared with Australia. Participants in limbo in Indonesia expressed more anxiety

about participating in the research, plied me with requests for information and assistance, and asked me pass on messages to the Australian people and Australian government. In contrast, the participants interviewed in Australia were relatively confident about rebuilding their lives. But they remembered dealing with indefinite immigration detention and the uncertainty of TPVs and continued to worry about relatives in Iraq or living as refugees in neighbouring countries.

The effects of these experiences on the mental health of the participants were profound, particularly those still in Indonesia, many of whom spoke of being depressed, angry and despairing. The thesis drew on the literature when discussing how people overcome the effects of trauma and stress. Almedom and Summerfield (2004: 386) argued that recovery was ‘grounded in the resumption of the ordinary rhythms of everyday life’ but these were denied to participants for the duration of their journeys; whilst in limbo in Indonesia; in detention in Australia and as holders of TPVs.

The actions of governments

The work of theorists such as Beck (1992, 2000, 2002, 2006) and O’Malley (1999, 2004, 2005) suggest that in responding to situations perceived or characterised as risky to national security, governments can further disadvantage the already marginalised and vulnerable sectors of society. Considering risk helps illuminate a number of the government strategies reviewed in this thesis.

Saddam had reason to be wary of the allegiances of Iraqi citizens. There were assassination attempts aimed at him, strong support by southern Iraqis for the Iranian leader and the desire for autonomy by Kurdish Iraqis. Saddam used a range of methods to govern behaviour. The most well known was through the use of terror; indiscriminate jailing, torture and killing. The cloud of suspicion and fear that enveloped Iraq was a means of controlling the people (Coughlin 2002; Mackey 2002).

Iran, which has hosted the largest number of Iraqi refugees over the longest period, sought to manage the burden on its infrastructure and resources by working with UNHCR. When the Iranian economy became strained by the financial burden of hosting millions of refugees, Iran first asked for help from the international community. When this was not forthcoming, its government adopted harsher policies towards refugees incrementally which communicated to them that it was in their interests to leave the country (see Rajae 2000).

Jordan also worked with UNHCR and hosted large numbers of Iraqi refugees but insisted that they were resettled in another country within six months. At the same time, it was understood that Jordanian authorities would not harass the many Iraqi refugee families who stayed in Jordan for longer periods without authorisation (see Chatelard 2002). This ambivalence contributed to feelings of insecurity and anxiety for those participants who spent time in Jordan, influencing them to move on.

Syria at that time (1999 to 2001) took far fewer Iraqi refugees than Iran or Jordan. The refugees were not therefore a particular burden on the country. Syria legislated that non-citizens could be deported for minor infractions of the law, thus protecting its sovereign interests (USCRI 2003).

Malaysia has a long history of low tolerance towards illegal immigration. While generally welcoming to Arabs who are a source of tourist dollars (Al-Hamarneh & Steiner 2004), the government encouraged a citizen-based vigilante group to locate and apprehend illegal immigrants. Of the six countries participants experienced after leaving Iraq, Malaysia had the most extreme and punitive response to non-citizens without valid visas (Hedman 2008).

The Indonesian government was not at first concerned by the few refugees arriving from the Middle East. It had other, well-entrenched problems to address such as high levels of corruption, poverty and internal conflicts with provinces seeking independence (Sidel 2007). The refugees were simply not a threat. But as their numbers grew, Indonesian authorities responded to Australian requests to prevent the movement of the refugees. Participants in this study who were interviewed in Indonesia experienced years of Indonesian jail. Over time they were permitted to live in the community, with most of them living in accommodation provided by IOM. Although this was a major concession and a huge improvement over being locked up, Indonesia was still unwilling to grant work rights and permanent residence. Indonesia did not want to risk becoming the final destination country for refugees.

Australia expended considerable amounts of money in Indonesia, on the high seas and in Australia to deter and prevent the arrival of unauthorised boat arrivals, as set out in Chapters 8 to 10. This was done in the name of national and border security even though it was not entirely clear how, why and to what degree the arrival of refugees by boat constituted a security threat. The Howard government's ability to maintain its harsh policies came under threat when some of its own backbenchers raised strong objections, in particular to women and children in detention; the indefinite nature of detention which saw people incarcerated for up to seven years without charge (see Briskman et al 2008); and the ongoing uncertainty experienced by Iraqi refugees who were on TPVs for almost as long (Steel et al: 2006). This was an example of the manner in which governments may overreach themselves, or misread the public's mood. Reflexive modernisation (Beck 1992: 21), a process by which the limits of power are tested by the engagement of the wider public in governance, formally and informally, can correct imbalance as governments moderate their positions to align with public sentiment.

In Australia in the late nineties, the Howard government created the notion of 'deserving' and 'undeserving' refugees according to how they arrived in Australia (Refugee Council of Australia 2003: 68). The rhetoric around 'undeserving' refugees, those who came by boat, stressed their risk to Australia's national and border security (see Pickering 2005). This was the rationality that underpinned the various deterrence policies discussed in the body of the thesis.

The ALP government under Rudd adopted a different approach and rhetoric, casting people smugglers as the morally bankrupt actors and recasting refugees in a more positive light, citing their ‘humanitarian plight’ (Rudd 2009: 10861). This general tenor was continued by his successor. In a major speech, Gillard (2010) spoke of refugees as people with genuine needs ‘escaping...war, genocide...torture <and> harassment by authorities’. Yet there remained an emphasis on border security and allusions to a queue, as discussed in Chapter 9, with Gillard also noting the need for an ‘orderly system’ and that no-one should obtain ‘an unfair advantage’ or ‘subvert orderly migration programs’ (see Pickering’s (2005) discussion and mapping of the construction of ‘refugee deviancy’).

Different approaches

Most discussions about improving responses to the refugee issue are framed in human rights and/or humanitarian terms. For example, in relation to the Australian situation, prominent barrister Julian Burnside, has spoken and written at length on this topic (e.g. Burnside 2007). Members of the medical fraternity produced reports and opinions regarding the effects of mandatory detention and TPVs (for example, Steel et al 2006). A number of documentaries have highlighted generic human rights abuses in addition to emotionally-charged individual stories, such as ABC’s Four Corners program featuring Shayan Badraei⁵⁵, a six-year old Iranian boy who stopped eating, drinking and talking while held in immigration detention (Whitmont 2001).

⁵⁵ In 2006, \$400,000 was paid to Shayan’s family by the government as compensation for the psychological harm he suffered during the two years he was held in immigration detention (The Sydney Morning Herald 2006).

Overall, there has been no lack of well-constructed and well-written arguments from different perspectives presented to the Howard government and accessible by the general public from 2001 on. These galvanised large numbers of the public into joining the refugee advocacy movement but did not immediately bring about policy change. To the contrary, the government adopted harsher policies. As discussed in Chapter 10, substantial improvements to the system were not made until 2005 when the government was unable to withstand the combined pressure from its own backbenchers and the fallout from the Palmer enquiry and report following the Cornelia Rau affair (Palmer 2005).

Taylor (2001) discusses the merits in refugee advocacy of taking a human rights perspective – where the underlying notion is that each person by virtue of being human should be accorded the same basic rights in recognition of their equal and inherent worth - over a humanitarian one where the subjects are portrayed as deserving of sympathy. She argues that a human rights frame is the appropriate one to adopt to achieve change in political processes, saying ‘it is imperative that asylum seeker advocates take on the project of persuading the Australian public to use human rights principles as the relevant frame of reference for thinking about the treatment of asylum seekers’ (ibid: 192). Taylor points out that using individual stories can backfire on the person or their family, adversely affecting their asylum claim and/or putting them at risk by publicising their predicament.

There is no question that human rights agenda play a critical role on the international stage and set a benchmark against which government action can be measured. But with

regard to Australian domestic policies for the period which is the focus of this thesis, both human rights and humanitarian arguments were largely ineffective in directly and immediately influencing policy, despite criticisms from various reputable organisations including UNHCR, Amnesty and Human Rights Watch. The Howard government ignored or derided the numerous critical reports and analyses, and pointed to the necessity to maintain national and border security. Its arguments for sustaining the harsh policies outlined in Chapters 8, 9 and 10 were rationalised in light of this, a position widely supported by the public. Generally, the arguments posed in terms of the human rights of an individual were countered by national security concerns that the boats might be carrying terrorists, criminals or disease-laden passengers (Pickering 2005). The catchcry of the Howard government was ‘We will decide who comes to this country and the manner in which they come’ (Howard 2001) which resonated strongly with the public. The government’s position based on sovereignty took no account of arguments that centred upon individual human rights, or the calls for greater compassion and understanding in the treatment of boat arrivals who, as found in this study, had experienced considerable insecurity and stress over protracted periods. In essence, the positions polarised with one set of rights – national and border security - given higher priority at the expense of individual human rights, and no regard paid to the hardships faced by the refugees.

In short, arguments based on both human rights and humanitarian grounds failed to shift public opinion and government policy for many years. However, the refugee advocacy movement in 2010 is in a different position to that of 2001. The public and the media are

better informed. The adverse effects of TPVs and mandatory detention have been thoroughly researched with consistent findings (eg Steel et al 2004b, 2006). The boat arrivals of the 1999 – 2001 period have not destabilised society; many of them are now Australian citizens who contribute meaningfully to Australian society. Such information can be used to challenge suggestions by government or other collectives that boat arrivals constitute a risk that cannot be easily managed.

Using a risk frame to produce better outcomes for objects of policy is consistent with an argument made by O'Malley (2008). He suggests that a risk governance approach can be used to manage conflict and tension that may exist between different positions rather than select one over the other (ibid: 453). The Rudd government tried to sell a position on unauthorised arrivals that straddled the polarisation between national security and human rights/humanitarian concerns, by using the slogan 'tough but humane' (Rudd 2009). This was generally derided as being meaningless, satisfying neither side of the debate and achieving neither toughness nor humaneness. However, approaching the situation from a risk management perspective does not require trying to incorporate two opposing positions in the one policy framework. Rather, adoption of a risk analytic frames the issue differently by asking different questions, and hence getting different answers.

Applying the thrust of O'Malley's reasoning to boat arrivals, rather than there being a debate as to whether they should be locked up (on security grounds) or allowed to live in the community while their claims are processed (on human rights or humanitarian grounds), a risk analytic would ask "What are the risks?" and "How can they be

addressed?” It would canvas all identifiable and relevant risks – border and national security concerns and risks to the health and wellbeing of immigration detainees – and seek to quantify them. There is now more than a decade of data to draw from. The psychological harm done to refugees (and other immigration detainees) is well-proven and well-documented. Any fears concerning national security should be equally carefully and credibly documented. For example, Gillard (2010) sought to bring balance to the debate by emphasising that the numbers of boat arrivals were but a small proportion of the overall migration program. Against this, she referred to the government’s commitment to secure borders and an orderly migration program. What she failed to address was the harm done by the current policy of mandatory detention, or indeed explain why borders are made insecure by the arrival of small numbers of people seeking refuge who announce themselves on arrival in Australian waters. There is also the possibility of future compensation claims being made against government, taking into account that more than \$12 million has already been awarded to 76 former immigration detainees (Senate Legal and Constitutional Affairs Legislation Committee 2010). Such issues are pertinent when considering risks.

Questions framed in terms of risk sidestep value-laden concerns about whether a policy or practice is ‘fair’, or ‘tough but humane’. Instead the emphasis is on outcomes, ideally assessable outcomes. The outcomes could be assessed against indicators that include human rights instruments. Being risk-focused, they would take into account damage that might be done to Australia’s standing overseas if seen to be in breach of international law. This approach, then, is more measured and ultimately pragmatic. It can be

constructed in a way that addresses the concerns of both sides rather than producing a result which can be perceived as one side winning and another losing. In other words, using risk as a medium has the capacity to identify strategies that address concerns that otherwise polarise different interest groups. This therefore can be an approach that facilitates finding a solution to the dilemma that confronts politicians with regard to unauthorised boat arrivals who may believe that a humanitarian/human rights approach is desirable but feel constrained by the politics of the day.

O'Malley (2008: 467) makes the point that applications of risk analytic of an experimental nature have not always been successful and the hoped-for benefits have not materialised, for a range of reasons. But he suggests that there is scope for optimism regarding the place of risk in future policy development, and as such, it is worth pursuing.

There has been a recent example of this in Australia. Following the change in government in 2007, the Joint Standing Committee on Migration (JSCM), involving fourteen parliamentarians from Australia's major political parties, inquired into aspects of immigration detention. Partway through the inquiry, former Immigration Minister Chris Evans announced 'new directions' in the administration of detention policy through a risk-based approach. He said:

...persons will be detained only if the need is established. The presumption will be that persons will remain in the community while their immigration status is resolved. If a person is complying with immigration processes and is not a risk to

the community then detention in a detention centre cannot be justified. The department will have to justify a decision to detain – not presume detention (Evans 2008b).

This was a radical shift from previous policy, one welcomed by the JSCM. Its report set out guidelines for detaining individuals, allowing five days for health checks and up to ninety days for security and identity checks. If such checks were not finalised by this time then release into the community would be considered via a bridging visa. Unless a person was shown to be a real risk to the community, twelve months was the maximum period a person would be held in immigration detention (JSCM 2008: ix).

Eighteen months after the release of this report, these timeframes bear no resemblance to what is actually happening. Despite the strong statement by the Minister and the endorsement of the JSCM for the new approach, detainees are locked up for periods of more than eighteen months. There is no system in place for risk assessing individuals as a matter of course with a view to releasing those who present as low or no risk. At best, individuals are risk assessed to see if they may participate in outings to swimming pools, sports centres and to attend churches. The strictest criteria are applied to boat arrivals seeking asylum. Other immigration detainees (for example, asylum seekers who arrived by air and/or visa overstayers) are subject to less rigid rules⁵⁶.

The individualised risk assessment approach has been all but ignored and the ‘new directions’ in detention policy forgotten. With a surge in boat arrivals in 2008 and

⁵⁶ Personal communication with Immigration Department personnel.

beyond, the present government seems to have taken the easier route of simply keeping people locked up until their asylum claims are finalised, and if granted they are then released. However, this takes many months. At least one prominent psychiatrist has stated that long term detainees' mental health is being adversely affected (Newman 2010).

The decision to provide a range of detention environments with varying degrees of security (Department of Immigration 2010) rather than just high security environments has benefited a small number of detainees. Family groups in particular have been assessed as presenting a lower risk to the community and hence more suitable for less secure accommodation, as there is reluctance on the part of government to detain children behind razor wire as occurred under the Howard government. In this way, a risk framework has resulted in marginally better outcomes for a small proportion of the detainee population who are assessed as being suitable for the more open facilities. Nevertheless, children are being held in detention facilities patrolled by guards, movement outside the detention environment is highly restricted and there is little opportunity to engage in normal forms of activity, such as going shopping, visiting friends or participating in publicly-available recreational activities. Gadeer, who was interviewed in Indonesia, emphasised the debilitating effect of long term uncertainty and insecurity even when the physical environment was adequate. Although the detention regime may be less punitive under the Rudd-Gillard governments compared with the Howard government, indefinite mandatory detention has been shown to be intrinsically damaging (Silove et al: 2001; Steel et al: 20004b). In the year from November 2009,

there has been a death through suicide at Villawood detention centre in Sydney, other self harm incidents, riots, escapes, demonstrations and hunger strikes at detention facilities across the country (Narushima & Ralston 2010).⁵⁷

The failure of the government to follow its own policy guidelines and adopt the recommendations of the JSCM has been disappointing. It seems that once the numbers of boat arrivals started to increase, the ALP government capitulated against the onslaught of attacks by the opposition that the government was ‘soft’ on border security and that ‘Under Labor, people smugglers now decide who comes to our country’ (Morrison n.d.)

If there is to be a measured and appropriate response to asylum-seeking refugees, it seems a crucial first step is to adopt a bipartisan approach (or multi-partisan given the makeup of government elected in September 2010). This would neutralise the risk of this issue being a negative for one side of politics and benefiting the other. The report from the JSCM was a promising start in this direction.

While many refugee advocates argue for an end to mandatory detention (eg Briskman et al 2008), it is difficult to envisage this happening in the foreseeable future given the political positioning on this topic. However, incremental steps that shift the policy to one where detention is the exception rather than the rule make the dismantling of mandatory detention regime more feasible; the adoption of risk-based assessment fits here. It

⁵⁷ Between November 2010 and April 2011, there were five suicides in Australian mainland detention centres.

requires that political grandstanding on the asylum seeker issue does not undermine movement in that direction, hence the need for bipartisan agreement.

The JSCM provided such an example, with a joint dissenting report from Liberal politicians Georgiou and Egglestone, and Greens senator, Hanson-Young. The dissenting report authors shared the view that decisions to keep people detained beyond a short initial period should be made by a court rather than Immigration Department officials; and that decisions to deprive people of their liberty should be subject to judicial oversight and in accordance with clearly set out criteria (JSCM 2008: 171).

The regional processing centre proposal

In considering how to respond to the challenges posed by large numbers of people fleeing their own countries and regions, refugee advocates have long called for a mix of national, global and regional initiatives that would focus on the needs of the refugees (Refugee Council of Australia 2010). The states also see benefits in global and regional solutions.

In the run up to the 2010 Australian election, both of the major parties suggested offshore processing of asylum claims but there were significant differences to their positions. The Liberal-National Coalition wanted a return to the Pacific Solution as it was when John Howard was the Prime Minister. Here, refugees arriving by boat were taken to poorly-equipped detention facilities. Their asylum claims were heard by a mix of UNHCR and Australian officials. Once found to be refugees, nothing happened. There was no clear resettlement process in place. Under such an arrangement, refugees could be left

indefinitely with no resolution to their situation. The lack of a durable solution for the refugees was understandable given the main purpose of the Pacific Solution which was to stop boat arrivals reaching Australia. It was not set up with the rights or wellbeing of the refugees in mind. Such an arrangement is not sustainable as demonstrated by the unwillingness of the host countries of the Pacific Solution - Nauru and Papua New Guinea - for the refugees to remain indefinitely. In the end most of them were settled in Australia and New Zealand (Metcalf 2010).

Prime Minister Gillard's (2010) proposal for a regional processing centre has garnered qualified support from parts of the refugee advocacy movement (Refugee Council of Australia 2010). The broad outline is that all asylum seekers in the region are taken to this centre where their claims are heard according to UNHCR standards, and if their claims are validated, then the refugees will be resettled. Gillard argues this would finish the smuggling trade to Australia as asylum-seeking refugees would be taken to the regional processing centre if they reached Australia. Hence, a regional processing centre located close to Indonesia would remove 'the incentive once and for all for the people smugglers to send boats to Australia. Why risk a dangerous journey if you will simply be returned to the regional processing centre?' (Gillard 2010).

There is the suggestion here of forcible relocation to a processing centre should an asylum seeker arrive on Australian shores. This has generated some concern, not eased by Gillard's claim that her approach 'effectively eliminates the onshore processing of unauthorised arrivals'. It begs the question why a country would set this as a goal rather than processing onshore asylum claims in a speedy, fair and humane manner. Human

Rights Watch point out that to ‘forcibly transfer asylum seekers who reach Australia to an offshore regional processing center undermines Australia's obligations under international law...It should be rejected as a violation of both the letter and the spirit of the Refugee Convention...’ (Pearson & Frelick 2010). Australia, as a signatory to the Convention, is obligated to hear asylum claims and grant protection if claims are valid.

The reluctance to fully embrace the initiative outlined by Gillard may also be because it is not clear how it would work. The details of her plan are sketchy. She has suggested East Timor as a possible base, and this has received mixed reactions from East Timorese politicians with reports that the East Timorese government would prefer this to be discussed under the auspices of the Bali Process (Radio Australia News 2010), a regional forum co-chaired by Indonesia and Australia ‘to work on practical measures to help combat people smuggling, trafficking in persons and related transnational crimes in the Asia-Pacific region and beyond’ (see www.baliprocess.net). Human Rights Watch has reservations about this approach noting that ‘the Bali Process has taken a narrow law enforcement approach to controlling irregular migration, with inadequate consideration of human rights or refugee protection’ (Pearson & Frelick 2010).⁵⁸

Gillard’s argument that a regional processing centre would take away the incentive for refugees to use smugglers’ boats to get to Australia relies upon the ability of the processing centre to produce an equivalent outcome to arriving on Australian shores – the possibility of permanent residence in a safe country. As indicated by the participants in

⁵⁸ Taylor (2011) observes that since 2009, the issue of refugee protection has been on the agenda of the Bali Process, due in part to persistence by UNHCR. Taylor views this as a significant step forward although very much in its infancy with no guarantees of how it might play out practically and in what time frame.

my study, being in any country with no settlement options is of itself a motivation for refugees to take the risk of travelling on smugglers' boats.

The attraction of a regional processing centre from the refugees' perspective is that once there and assessed as a refugee, there would be no fear of being returned to their homeland. A downside would be if no durable solution was offered. We have seen in Chapter 8 that Iraqis stranded in Indonesia got to a point where they no longer feared being returned to Iraq against their will but were anxious and depressed because their lives were on hold without the opportunity to work or for their children to be educated.

Australia's resettlement process has been criticised for being slow (RCOA 2010: 34). For a regional processing centre to be a sufficient deterrent to using smugglers it must be part of a process that would result in a permanent home in a reasonable time frame, with facilities for people to engage in productive activities while they wait, if the waiting period is anything but very short. Participants in this study spoke of their dissatisfaction with the ability of UNHCR in Jakarta to resettle them, and that this was a factor in them turning to people smugglers. In similar fashion, if the processing centre was ineffectual, there is the risk that people would start to look for alternative solutions and that people smuggling operations would start up as they did amongst UNHCR-registered Iraqi refugees in Indonesia. This is consistent with international research which indicates that smuggling operations arise from within local communities (see Marfleet 2006: 255).

If the objective of a regional processing centre is to be pursued, the government needs to avoid the mistakes of governments such as the USA, Britain and Germany (see Castles 2004). As with Australia and TPVs, they adopted migration policies which had opposite outcomes to those which were intended⁵⁹. Castles (2004: 222) suggests such failures are due to poor understanding of the complexities driving migration and overlooking key factors. These might be addressed by greater engagement with asylum seekers/refugees to gather their views on what is needed to make a regional processing centre successful in the long term. Indeed, in governmental terms, rather than position refugees as the objects of a program who are expected to behave in a particular way, and are then criticised if the program fails, it makes sense to involve them in the planning of the scheme to ensure its best chance of success. Without giving due regard to the issue from the refugees' perspective, the policy-makers will repeat the mistakes made so many times before; they will presume that migration can 'be turned on and off like a tap through laws and policies' (Castles 2003: 26).

As a further consideration, if a regional processing centre is to be established, and be successful and sustainable, the concept would have to have the support of the major political parties. The refugee issue is one of global significance which cannot be controlled from inside Australia, and as such it should be dealt with in a bipartisan spirit.

⁵⁹ Using the USA to illustrate this point, Castles (2004) outlines how the USA sought to stop the illegal entry and employment of workers from Mexico. One idea was to offer legal status to large numbers of illegally employed workers, an offer taken up by 2.7 million workers. Having changed their status they obtained better jobs which did nothing to curb the demand for the low paid illegal workers. So the number of legal workers increased (which was not the prime intent of the policy) but there was no corresponding drop in the numbers of illegal workers. Then between 1994 and 2000 the USA spent billions of dollars on increasing border security measures. These did not stop the illegal border crossings either but there was a marked increase in deaths of illegal workers in remote areas as they tried to avoid authorities, and the smugglers' prices increased tenfold in six years.

Concluding comments

There is here, as O'Malley (2008) tentatively suggests in relation to other social phenomena, the possibility of applying risk in a way that is not necessarily detrimental to the people who would be the objects of the risk-related policy. Instead, this approach would support a more balanced and neutral assessment of their situation, and in so doing, address the fears and emotive positions that are held by a public that has absorbed misinformation.

Within the refugee advocacy movement, there are differing views as to how best to bring about change. Gosden (2007: 159) points to the tension between the human rights/humanitarian approaches while noting the commonalities between them, with advocates drawing on one to inform the other. This suggests that there is the space - and probably the need - for a range of styles and arguments to achieve change to current policy. Arguments based on human rights play best in certain arenas; humanitarian arguments work in others. I would argue, given the prominence of risk-based governance in the modern era, that risk-based arguments also have their place in the debate. In particular, they allow for debate to be played out within a common frame of reference.

There is still a long way to travel in the journey for a fair and just refugee policy that takes account of the very real needs of refugees as highlighted in this thesis. As stated earlier, recovery from the effects of prolonged stress, uncertainty, fear, torture and trauma is grounded in the simple expedient of engaging in normal, everyday life (Almedom & Summerfield 2004: 386), something the participants in this study recognised but which

was denied to them. In their different ways, they all echoed the sentiment reflected in the quote from Safaa leading this chapter - “Just want a normal life”. Surely this is not too much to ask.

APPENDIX

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Appendix A - Letter to advocates

Dear

Postgraduate research: Exploration into the interrelationship between the hopes and expectations of Iraqi asylum seekers who arrived in Australia as unauthorised arrivals between 1999 and 2001, and their experiences en route

After more than 5 years working with refugees, including visiting detention centres, assisting with individual cases, and general advocacy and lobbying, I am now conducting postgraduate research at Murdoch University into asylum seeker journeys from Indonesia to Australia. The research will be supervised by Dr Anne Pedersen who has also been involved in both in hands-on work assisting refugees and academic research regarding refugees.

The purpose of the study is to find out from Iraqi asylum seekers their hopes, expectations and experiences in making the journey from Middle East to Australia, with the central theme being whatever is identified by participants during the interviews as their main concern, which could be, for example, family or justice or human rights or safety. The final thesis will of course describe the context in which these experiences occurred.

I am asking for your assistance in accessing Iraqi refugees who arrived by boat between 1999 and 2001 and would be willing to be interviewed as part of this study. In line with the research method I'm using, I will need to speak with about 10 people and will be selective based on the following criteria:

- Their spoken English is adequate for the interview to be conducted without an interpreter
- They will not be unduly distressed by talking about the journey. Please note that I will not be asking about their reasons for leaving Iraq, the focus is on the journey to and reception in Australia.

Rather than make a general request through the refugee support networks, I am sending this letter to a small number of key people who have regular contact with Iraqi refugees. I have through my own contacts within the Iraqi community been successful in attracting participants but would like to involve more people.

Although difficult to be precise so early in the research, I would expect the benefits from the study to include:

- An opportunity for the refugees to have their voices heard
- A better understanding of the hopes and expectations of Iraqi asylum seekers in seeking refuge in Australia
- If these have not been met, how have the asylum seekers coped, how has it left them feeling
- An understanding if, as a predominantly Muslim group, their faith has helped them cope and in what way, which may have implications for agencies working with Middle Eastern/Muslim clients
- More generally, an insight into coping mechanisms within a cross cultural context
- Results from the research that can be used by advocates to address speculation concerning asylum seekers' reasons for coming to Australia. For example, claims made about 'forum shopping', that is, movement by asylum seekers from one country to another in pursuit of better conditions
- A more detailed picture of what asylum seekers experienced en route, particularly in Indonesia and the boat journeys.

I attach the consent form which participants will be asked to sign (an Arabic translation will be made) which also provides contact details for Dr Pedersen and Murdoch University's Human Research Ethics Committee.

I will follow this letter up by phone within the next two weeks. If you want to contact me before then, my email address is s.hoffman@murdoch.edu.au or phone 0401 238 567.

Kind regards

Sue Hoffman
BA (Hons); M. Lead.

Appendix B - Letter for participants and consent form in English

Project Title: Exploration into the interrelationship between the hopes and expectations of Iraqi asylum seekers who arrived in Australia as unauthorised arrivals between 1999 and 2001, and their experiences en route

My name is Sue Hoffman. I have worked with and befriended refugees from the Middle East for many years. I have worked with ASeTTS, CASE and CARAD, visited detention centres and helped people with their refugee applications. I am now a postgraduate research student at Murdoch University researching asylum seeker journeys from Indonesia to Australia, under the supervision of Dr Anne Pedersen who has also been involved in both hands-on work assisting refugees and academic research regarding refugees. The purpose of this study is to find out from asylum seekers their hopes, expectations and experiences in making the journey from Middle East to Australia.

I am asking for your assistance in this study by telling me part of your story. I would like to interview you about your experiences in Indonesia, the boat journey and arriving in Australia. The interview will take about 1½ to 2 hours. I will ask you to tell me about your hopes and expectations when you decided to come to Australia, and how these compared with your experiences in Indonesia, dealing with people smugglers, the boat journey and arriving in Australia, and how you now think about those hopes and expectations. If I ask you anything you don't want to talk about, let me know and I will move onto another question.

You can withdraw your consent at any time. The interviews are confidential, and no names or other information that might identify you will be used in any publication arising from the research. You do not have to tell me your real name. Feedback on the study will be given to participants who provide contact details. This can be either verbal feedback, or a summary of the research.

If you are willing to be interviewed, could you please complete the details below. If you have any questions about this project please feel free to contact either myself, Sue Hoffman on 0401 238 567 or my supervisor, Dr Anne Pedersen, on 9360 6488.

My supervisor and I are happy to discuss with you any concerns you may have on how this study has been conducted, or alternatively you can contact Murdoch University's Human Research Ethics Committee on 9360 6677 if you have any enquiries about the conduct of the research.

I (the participant) have read the information above. Any questions I have asked have been answered to my satisfaction. I agree to be interviewed, however, I know that I may change my mind and stop at any time.

I understand that all information provided is treated as confidential and will not be released by the researcher unless required to do so by law.

I agree that research data gathered for this study may be published provided my name or other information which might identify me is not used.

Participant:

Date:

Investigator:(Chief Investigator who must be a member of Murdoch Staff)

Date:

Investigator's Name:

Recording of interviews

If you do not want the interview taped, the researcher will make notes and type them up later. If you agree to the interview being taped, the researcher will transcribe part of the tape. The tape will be kept securely in accordance with Ethics Committee requirements.

Please select one of the following options

I agree for this interview to be taped ☐ YES

I do not agree for the interview to be taped.
I do agree for the interviewer to take notes. ☐ YES

Participant:

Date:

Investigator:(Chief Investigator who must be a member of Murdoch Staff)

Date:

Investigator's Name:

Appendix C - Letter for participants and consent form in Arabic

عنوان الموضوع : الكشف عن العلاقة بين الامل والتوقعات للعراقيين الباحثين عن اللجوء ومن هم وصلوا الى استراليا بدون تحويل الوصول ما بين 1999 و 2001 وخبرتهم في طريق هذه الرحلة

اسمي : سو هوفمان عملت بود وصداقه مع لاجئين من الشرق الاوسط لسنوات عده وعملت ايضا مع مؤسسات انسانيه كمنظمة

ASeTTS

ومنظمة

CASE

ومنظمة

CARAD

وزرت مركز الحجز وقمت بمساعدة بعض الناس لتقديم طلبات اللجوء. ومنصبي في الوقت الحالي دراسة بحث في جامعة:

MURDOCH

والبحث حول طالبي اللجوء ورحلتهم من اندونيسيا الى استراليا.. وتحت اشراف الدكتور

ANNE PEDERSEN

وهي كذلك لها علاقه وثيقه في نفس الموضوع والعمل لمعونة اللاجئين والبحث الاكاديمي بخصوص اللاجئين والهدف من هذه الدراسه ايجاد اهداف الباحثين عن اللجوء وامالهم وتوقعاتهم وخبرتهم ووضع هذه الرحلة من الشرق الاوسط الى استراليا.

اسالك مساعدتك في هذه الدراسه والبحث بواسطة اخباري جزء من قصتك. كما ارغب مقابلتك حول خبرتك في اندونيسيا ورحلة القارب والوصول الى استراليا. وكيفية المقارنه مع خبرتك في اندونيسيا.. والمقابله تستغرق حوالي الساعه ونصف الساعه الى الساعتين وسوف اسالك لتخبرني حول امالك وتوقعاتك عندما قررت المجئ الى استراليا والمقارنه مع خبرتك في اندونيسيا.. التعامل مع المهربين ورحلة القارب والوصول الى استراليا وكيف تعتقد وتفكر في الوقت الحاضر حول هذه الطموحات والامل والتوقعات.. اذا اسالك اي شي وانت لا تريد التحدث حوله دعني اعرف ذلك وسوف انتقل الى سؤال اخر.

وبامكانك سحب موافقتك في اي وقت . والمقابلات تكون سريه وبدون اسماء او اي معلومات وهذا مما يعني لايمكن التعرف على هويتك او تستخدم للنشر في هذا البحث ليس من الضروري ان تخبرني باسمك الحقيقي .. والعمل على هذه الدراسه سوف يعطي المساهمه وااثبات وايصال كل التفاصيل.. وهذا عمل شفهي اخر او ملخص من البحث : اذا كنت مستعد وترغب في المقابله بامكانك املاء استمارة التفاصيل المرفقه واذا كان عندك اي

اسئله حول هذا المشروع الرجاء الشعور بالحرية والاتصال بي على الرقم :

SUE HOFFMAN 0401 238 567

او مسؤولتي الدكتور

ANNE PEDERSEN 08 9360 6488

انا ومسؤولتي سعداء لمناقشتك عن اي شي يقلقك حول هذه الدراسه او شي يرشدك او اي بديل

يمكنك الاتصال بجامعة اللجنه الاخلاقيه للبحث الانساني وعلى الرقم

08 9360 6677

اذا ترغب بأي استفسارات حول الارشاد حول هذا البحث

المشترك يجب قراءة المعلومات في الاعلى واي اسئله انا سئلت واجبت عليها برضاي انا اوافق على

المقابله على اية حال انا اعلم ذلك قد اغير عقلي او اتوقف في اي لحظه.

واعلم كل المعلومات المثبتة تعامل بشكل سري وسوف لاتطلق ولاتعلن بواسطة الباحث فيما اذا

يتطلب بواسطة القانون انا اوافق ان معطيات ذلك البحث تجمع لهذه الدراسه قد ترتب نشر اسمي او

اي معلومات اخرى من الممكن التعرف علي لايمكن استخدامها.

المشترك:

التاريخ:

المحقق يجب ان يكون عضوا من جامعة:

MURDOCH

اذا لاتريد المقابله مسجله الباحث سوف يجمع ملاحظات ويسجلها فيما بعد واذا توافق ان تكون

المقابله مسجله الباحث سوف ياخذ جزء من المعلومات من الكاسيت وبعدها تلف الكاسيت .

الرجاء اختيار واحد من هذه الاختيارات :

انا لاوافق ان تكون هذه المقابله مسجله.

انا اوافق ان تكون هذه المقابله مسجله.

المشترك:

التاريخ:

اسم المحقق:

التاريخ:

Appendix D - Interview Schedule

Interview schedule.

Early interviews will start with an open-ended question. “Can you tell me about your journey to Australia?” In line with grounded theory method of theoretical sampling, later interviews will be more structured and focus on themes that have emerged during early interviews.

Opening remarks

- 1 Introduce myself and explain what the study is about
- 2 Ensure the consent form has been signed and understood
 - a. Confidentiality and anonymity
 - b. Permission to tape and/or take notes
 - c. Can refuse to answer a question , or stop interview at any time
- 3 Interested in what the participant has to say, no right or wrong answers
- 4 Query any question if meaning unclear
- 5 Return to a question if anything to add
- 6 Check if participant has any questions

Closing the interview

- 1 Anything the participant would like to add
- 2 Anything the participant thinks we should have spoken about but didn't
- 3 Why the participant wanted to participate
- 4 Any comments how the interview went
- 5 Thank the participant, close notebook/turn off recorder, and wind down

Indicative list of topics to be covered in the interview

- 1 Basic demographics; gender; age group; family; when they were released from detention; whether they now have Permanent or Temporary Protection Visas.
- 2 At what stage in their journey from the Middle East, they decided to come to Australia, and why
- 3 What did they hope would be the outcome
- 4 How did they find dealing with people smugglers? Was this as expected, or better or worse?
- 5 What was daily life like in Indonesia? Was this as expected, or better or worse?
- 6 Were they aware of activities undertaken by Australian authorities in Indonesia to deter asylum seekers, and in what way.

- 7 What was the boat journey like? Was this as expected, or better or worse?
- 8 What was it like arriving in Australia?
- 9 Were they aware of the situation in Australia with regard to mandatory detention and temporary protection visas?
- 10 Current thoughts and feelings about the whole experience; were hopes and expectations realised, and how they have coped and what have they learnt.

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